

S/N 10/252,129

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert Dean Veres et al.	Examiner:	Fadey Jabr
Serial No.:	10/252,129	Group Art Unit:	3628
Filed:	September 20, 2002	Docket No.:	2043.081US1
Title:	METHOD AND SYSTEM FOR COMPOSING TRANSACTION LISTING DESCRIPTIONS FOR USE IN A NETWORK-BASED TRANSACTION FACILITY		

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Office Action mailed on May 15, 2007. Please amend the above-identified patent application as follows.

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method to compose transaction listings for use in a network-based transaction facility, the method including:
 - presenting a first user interface, selectable from a transaction listing description interface, ~~to receive~~ and receiving text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and
 - presenting a second preview user interface, selectable from the transaction listing description interface, ~~to present the second preview interface presenting~~ a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.
2. (Currently Amended) The method of claim 1 further includes presenting a third user interface ~~to present, the third user interface presenting~~ the transaction listing in a descriptor language.
3. (Previously Presented) The method of claim 2 wherein the descriptor language is modifiable at the third user interface.
4. (Original) The method of claim 2 wherein the descriptor language is HTML.
5. (Canceled)
6. (Previously Presented) The method of claim 2 wherein the first user interface, the second preview interface, and a third preview interface are selectable from the transaction listing description interface.
7. (Previously Presented) The method of claim 1 wherein the first user interface includes a design view user interface via which the text and graphics entered at the first user interface is modifiable.

8. (Original) The method of claim 7 wherein all text entered at the design view interface is displayed as it will appear to users accessing the network based transaction facility.

9. (Original) The method of claim 1 wherein the second preview user interface displays item specific attributes.

10. (Previously Presented) The method of claim 9 wherein item specific attributes include a user selectable theme.

11. (Original) The method of claim 10 wherein the theme includes a color scheme.

12. (Previously Presented) The method of claim 9 wherein item specific attributes include layout.

13. (Original) The method of claim 12 wherein layout includes providing display locations for text and graphics.

14. (Previously Presented) The method of claim 1 wherein the first user interface further includes selecting a photo to include in the transaction listing.

15. (Previously Presented) The method of claim 14 further includes allowing the user to choose a photo from a user selectable photo hosting service.

16. (Previously Presented) The method of claim 1 further includes presenting the first user interface and the second preview interface to a user at a client machine without interacting with the network-based transaction facility.

17. (Previously Presented) The method of claim 2 further includes presenting the first user interface, the second preview interface, and the third preview interface to a user at a client machine without interacting with the network-based transaction facility.

18. (Currently Amended) A seller application to compose transaction listings for use in a network-based transaction facility, the seller application comprising:

means for presenting a first user interface, selectable from a transaction listing description interface, ~~to receive~~ and receiving text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and

means for presenting a second preview user interface, selectable from the transaction listing description interface, ~~to present~~, the second preview interface presenting a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.

19. (Previously Presented) The seller application of claim 18 further includes means for presenting a third user interface to present the transaction listing in a descriptor language.

20. (Previously Presented) The seller application of claim 19 wherein the descriptor language is modifiable at the third user interface.

21. (Original) The seller application of claim 19 wherein the descriptor language is HTML.

22. (Canceled)

23. (Previously Presented) The seller application of claim 19 wherein the first user interface, the second preview interface, and the third preview interface are selectable from a transaction listing interface.

24. (Previously Presented) The seller application of claim 18 wherein the first user interface includes a design view user interface via which the text and graphics entered at the first user interface is modifiable.

25. (Original) The seller application of claim 24 wherein all text entered at the design view interface is displayed as it will appear to users accessing the network based transaction facility.

26. (Original) The seller application of claim 18 wherein the second preview user interface displays item specific attributes.

27. (Original) The seller application of claim 26 wherein item specific attributes includes a user selectable theme.

28. (Original) The seller application of claim 27 wherein the theme includes a color scheme.

29. (Previously Presented) The seller application of claim 26 wherein item specific attributes include layout.

30. (Original) The seller application of claim 29 wherein layout includes providing display locations for the text and graphics.

31. (Previously Presented) The seller application of claim 18 wherein the first user interface further includes selecting a photo to include in the transaction listing.

32. (Previously Presented) The seller application of claim 31 further includes allowing the user to choose a photo from a user selectable photo hosting service.

33. (Previously Presented) The seller application of claim 18 further includes presenting the first user interface and the second preview interface to a user at a client machine without interacting with the network-based transaction facility.

34. (Previously Presented) The seller application of claim 19 further includes presenting the first user interface, the second preview interface, and the third preview interface to a user at a client machine without interacting with the network-based transaction facility.

35. (Currently Amended) A system to compose transaction listings for use in a network-based transaction facility, the system including:

a first user interface, selectable from a transaction listing description interface[,]and to receive text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and

a second preview user interface, selectable from the transaction listing description interface, the second preview user interface to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.

36. (Previously Presented) The system of claim 35 further includes a third user interface to present the transaction listing in a descriptor language.

37. (Previously Presented) The system of claim 36 wherein the descriptor language is modifiable at the third user interface.

38. (Original) The system of claim 36 wherein the descriptor language is HTML.

39. (Canceled)

40. (Previously Presented) The system of claim 36 wherein the third preview interface is selectable from a transaction listing interface.

41. (Previously Presented) The system of claim 35 wherein the first user interface includes a design view user interface via which the text and graphics entered at the first user interface is modifiable.

42. (Original) The system of claim 41 wherein all text entered at the design view interface is displayed as it will appear to users accessing the network based transaction facility.

43. (Original) The system of claim 35 wherein the second preview user interface displays item specific attributes.

44. (Previously Presented) The system of claim 43 wherein item specific attributes include a user selectable theme.

45. (Original) The system of claim 44 wherein the theme includes a color scheme.

46. (Previously Presented) The system of claim 43 wherein item specific attributes include layout.

47. (Original) The system of claim 46 wherein layout includes providing display locations for text and graphics.

48. (Previously Presented) The system of claim 35 wherein the first user interface further includes selecting a photo to include in the transaction listing.

49. (Previously Presented) The system of claim 48 further includes allowing the user to choose a photo from a user selectable photo hosting service.

50. (Previously Presented) The system of claim 35 further includes presenting the first user interface and the second preview interface to a user at a client machine without interacting with the network-based transaction facility.

51. (Previously Presented) The system of claim 36 further includes presenting the first user interface, the second preview interface, and the third preview interface to a user at a client machine without interacting with the network-based transaction facility.

52. (Currently Amended) A computer-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to:

- present a first user interface, selectable from a transaction listing description interface[[,]] and to receive text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and
- present a second preview user interface, selectable from the transaction listing description interface, the second preview user interface to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.

REMARKS

This responds to the Office Action mailed on May 15, 2007.

Claims 1, 2, 18, 35, and 52 are amended, no claims are canceled, and no claims are added; as a result, claims 1-4, 6-21, 23-38, and 40-52 are now pending in this application.

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement and a 1449 Form on December 19, 2002. Applicants respectfully request that initialed copies of the 1449 Forms be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

§101 Rejection of the Claims

Claims 1-4, 6-21, 23-38 and 40-51 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 as amended recites:

presenting a first user interface, selectable from a transaction listing description interface and receiving text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and
presenting a second preview user interface, selectable from the transaction listing description interface, the second preview interface presenting a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.
(Emphasis added)

The Office Action states that Claim 1 fails to interrelate the method of composing transaction listings with the presenting of user interfaces. However, in the amended claim 1, presenting of user interface is indeed interrelated with the method of composing the transaction listing. Independent claims 18, 35 are similarly amended to address the rejection. As such, claims 1, 18, and 35, and their dependent claims 2-3, 6-17, 19-38, and 40-51 are directed to statutory subject matter. Thus it is requested the claim rejections under 35 U.S.C. § 101 be withdrawn.

Claims 18-21, 22-38 and 40-51 were rejected under 35 U.S.C. § 101 because computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things".

Claim 18, as amended, recites:

"...means for presenting a first user interface, selectable from a transaction listing description interface and receiving text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and

means for presenting a second preview user interface, selectable from the transaction listing description interface, the second preview interface presenting a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility." (Emphasis added)

Thus, claim 18 recites statutory "means plus function" elements that include "acts" because they receive text inputs and graphic selections and present a preview of the transaction listing. As such, the claimed subject matter of amended claim 18 and its dependent claims 19-21 and 23-34 are statutory subject matter.

An analogous argument to that presented above with respect to claim 18 applies to claim 35. As such, at least for the same reasons set forth above, the subject matter of claim 35 and its dependent claims 36-38 and 40-51 is statutory subject matter. Thus, it is requested the claim rejections under 35 U.S.C. § 101 be withdrawn.

§112 Rejection of the Claims

Claims 1, 18, 35 and 52 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Claims 1, 18, 35 and 52 have been amended to address the rejection. The *second preview interface*, as recited in the amended claims, *presents a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility*. Accordingly, it is respectfully submitted that the claimed subject matter is definite and claims 1, 18, 35 and 52 distinctly claim the subject matter of the instance application. Thus, it is requested the claim rejection under 35 U.S.C. § 112 be withdrawn.

§102 Rejection of the Claims

Claims 1-10, 14-27, 31-44 and 48-52 were rejected under 35 U.S.C. § 102(e) for anticipation by DiStefano, III, (U.S. 6,771,291 B1), hereinafter referred to as “DiStefano”.

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of anticipation for at least the following reasons:

The reference does not teach each and every claim element.

To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 as amended recites:

A method to compose transaction listings for use in a network-based transaction facility, the method including:

presenting a first user interface, selectable from a transaction listing description interface and receiving text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and

presenting a second preview user interface, selectable from the transaction listing description interface, the second preview interface presenting a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility. (Emphasis added)

In reviewing the portions of DiStefano relied upon by the Office Action it can be seen that DiStefano does not teach the limitation of “*presenting a first user interface, selectable from a transaction listing description interface and receiving text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing*,” as recited in the amended claim 1.

DiStefano, at col. 5, lines 25-64, describes:

The GUI is provided on a display at the registered user computer 180 and includes a primary display screen Website design plate 210 has a plurality of selection buttons . . . a log in button 215, a save button 218, an edit button 220, a navigation button 225, a preview button 230, a text button 235 . . . a registered user selects or actuates selection buttons 212 by In addition to selection buttons 212, website design plate 210 further includes a design space 214 in which can be displayed one or more web assets 205, which together form a web page. Web assets can include JAVA applets, scripts In general, web assets are graphic

images, including text and related color, sound and animation features, which can be displayed on a website. When displayed for a registered . . . the web assets are interactive ¹ . . .

....

When the registered user finishes developing and modifying the web assets in the design space . . . the registered user drags and drops . . . the web assets into website design plate 210. . . . When the web assets are dropped into website design plate 210, the web assets become interactive . . . the web assets form or are added to a particular web page of the website being developed.²

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Turning to FIG. 13, the registered user can select e-commerce button 265 to add to its website various features that allow for e-commerce After determining the type of e-commerce feature to be implemented on its website, the registered user then can upload . . . a picture of the product to be sold on the registered user's website . . . a product price field . . . registered user can respectively input a description of the product to be sold at its website . . . the creation of an auction feature further requires the input of information, by the registered user, concerning starting and finishing times for the holding of auctions³.

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In the passages upon which the Office Action relies, DiStefano describes a website design plate including several buttons, a design space, and some other web assets that the user can drag and drop on the website design plate. The registered user can add an e-commerce tool to its website and upload a picture and input a description of the product to be sold at its website. However, the passages are silent on the user interface (website) *being selectable from a transaction listing description interface*. Furthermore, uploading the picture and inputting the description of the product to be sold at its website, in DiStefano, is not the same as *presenting a first user interface . . . receiving text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing* (for use in a network-based transaction facility, see the claim preamble). As such, DiStefano does not teach the limitation of “*presenting a first user interface, selectable from a transaction listing description interface and receiving text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing*,” as recited in the amended claim 1.

¹ DiStefano, col. 5, lines 25-64

² DiStefano, col. 10, lines 7-24

³ DiStefano, col. 15, line 64 –col. 16, line 24

The Office Action, at page 5, alleges that the claim 1 limitation of “presenting a second preview . . . the transaction listing to be presented at the network-based transaction facility” is disclosed by the following quote from DiStefano:

At any time during the course of the design of a website using website design plate . . . the registered user can select preview button 230 to view the operation of the website in its current state of design. . . . Further, at any time during the design of a website . . . the registered user can select save button 218 to save the . . . If the website design has been completed and the website is ready for submission and activation on the internet, the registered user can provide such an indication . . .⁴

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The passage quoted above states that the user can select a preview button to view the operation of the website and save; and if the design has been completed provide an indication that the website is ready for submission and activation. However, the quoted passage does not disclose the act of *“the transaction listing to be presented at the network-based transaction facility,”* as required by claim 1. Accordingly, DiStefano fails to teach the claim 1 limitation of *“presenting a second preview user interface, selectable from the transaction listing description interface, the second preview interface presenting a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility,”* as recited in claim 1.

Therefore, Applicants respectfully submit that, at least for the reasons set forth above, DiStefano fails to teach each and every element of claim 1. Thus, independent claim 1 and its dependent claims 2-10 and 14-17 are not anticipated by the reference and are allowable.

The same arguments as presented with respect to claim 1 are also applicable to a consideration of independent claims 18, 35, and 52. As such, at least for the same reason as discussed above, claims 18, 35, and 52 and their dependent claims 19-27, 31-34, 36-44, and 48-51 are allowable. Thus, it is respectfully requested the claim rejections under 35 U.S.C. § 102(e) be withdrawn.

⁴ DiStefano, col. 18, line 45 – col. 19, line 2

§103 Rejection of the Claims

Claims 11-13, 28-30 and 45-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DiStefano in view of Batham et al. (U.S. Publication No. 2002/0082953), hereinafter referred to as "Batham".

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness for the following reasons:

With regards to Claims 11-13, 28-30 and 45-47, these claims are dependent on independent claims 1, 18, and 35, which, as argued above, are allowable. Thus, for at least the same reasons set forth above, claims 11-13, 28-30 and 45-47 are not anticipated by DiStefano. The additional patents cited in support of the present rejection do not show the claim features that, as Applicant has shown above, were missing from DiStefano. Accordingly, the proposed combination of DiStefano and Batham and the remarks in the Office Action fail to set forth a *prima facie* showing of obviousness. Thus, it is respectfully requested the claim rejections under 35 U.S.C. § 103(a) be withdrawn.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion do not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' Representative at 408-278-4053 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ROBERT DEAN VERES ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
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Date August 9, 2007

By *Ali Mireshghi*
Ali Mireshghi
Reg. No. 58,726

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13 day of August, 2007.

Zachary M. Cannon
Name

Ali Mireshghi
Signature

EXPEDITED PROCEDURE – EXAMINING GROUP 3628

S/N 10/252,129

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert Dean Veres et al.	Examiner:	Fadey Jabr
Serial No.:	10/252,129	Group Art Unit:	3628
Filed:	September 20, 2002	Docket No.:	2043.081US1
Title:	METHOD AND SYSTEM FOR COMPOSING TRANSACTION LISTING DESCRIPTIONS FOR USE IN A NETWORK-BASED TRANSACTION FACILITY		

AMENDMENT & RESPONSE UNDER 37 C.F.R. 1.116

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Commissioner for Patents
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Alexandria, VA 22313-1450

In response to the Final Office Action mailed December 27, 2006, please amend the application as follows.

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method to compose transaction listings for use in a network-based transaction facility, the method including:
presenting a first user interface, selectable from a transaction listing description interface, to receive text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and
presenting a second preview user interface, selectable from the transaction listing description interface, to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.
2. (Previously Presented) The method of claim 1 further includes presenting a third user interface to present the transaction listing in a descriptor language.
3. (Currently Amended) The method of claim 2 wherein the descriptor language is modifiable ~~may be modified~~ at the third user interface.
4. (Original) The method of claim 2 wherein the descriptor language is HTML.
5. (Canceled)
6. (Currently Amended) The method of claim 2 wherein the first user interface, the second preview interface, and a third preview interface are selectable from ~~[[a]]~~ the transaction listing description interface.

7. (Currently Amended) The method of claim 1 wherein the first user interface includes a design view user interface via which the text and graphics entered at the first user interface is modifiable ~~may be modified~~.

8. (Original) The method of claim 7 wherein all text entered at the design view interface is displayed as it will appear to users accessing the network based transaction facility.

9. (Original) The method of claim 1 wherein the second preview user interface displays item specific attributes.

10. (Currently Amended) The method of claim 9 wherein item specific attributes ~~includes~~ include a user selectable theme.

11. (Original) The method of claim 10 wherein the theme includes a color scheme.

12. (Currently Amended) The method of claim 9 wherein item specific attributes ~~includes~~ include layout.

13. (Original) The method of claim 12 wherein layout includes providing display locations for text and graphics.

14. (Previously Presented) The method of claim 1 wherein the first user interface further includes selecting a photo to include in the transaction listing.

15. (Previously Presented) The method of claim 14 further includes allowing the user to choose a photo from a user selectable photo hosting service.

16. (Previously Presented) The method of claim 1 further includes presenting the first user interface and the second preview interface to a user at a client machine without interacting with the network-based transaction facility.

17. (Previously Presented) The method of claim 2 further includes presenting the first user interface, the second preview interface, and the third preview interface to a user at a client machine without interacting with the network-based transaction facility.

18. (Currently Amended) A seller application to compose transaction listings for use in a network-based transaction facility, the seller application ~~[[to]]~~ comprising:

means for presenting ~~present~~ a first user interface, selectable from a transaction listing description interface, to receive text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and

means for presenting ~~present~~ a second preview user interface, selectable from the transaction listing description interface, to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.

19. (Currently Amended) The seller application of claim 18 further includes means for presenting a third user interface to present the transaction listing in a descriptor language.

20. (Currently Amended) The seller application of claim 19 wherein the descriptor language is modifiable ~~may be modified~~ at the third user interface.

21. (Original) The seller application of claim 19 wherein the descriptor language is HTML.

22. (Canceled)

23. (Previously Presented) The seller application of claim 19 wherein the first user interface, the second preview interface, and the third preview interface are selectable from a transaction listing interface.

24. (Currently Amended) The seller application of claim 18 wherein the first user interface includes a design view user interface via which the text and graphics entered at the first user interface is modifiable ~~may be modified~~.

25. (Original) The seller application of claim 24 wherein all text entered at the design view interface is displayed as it will appear to users accessing the network based transaction facility.

26. (Original) The seller application of claim 18 wherein the second preview user interface displays item specific attributes.

27. (Original) The seller application of claim 26 wherein item specific attributes includes a user selectable theme.

28. (Original) The seller application of claim 27 wherein the theme includes a color scheme.

29. (Currently Amended) The seller application of claim 26 wherein item specific attributes ~~includes~~ include layout.

30. (Original) The seller application of claim 29 wherein layout includes providing display locations for the text and graphics.

31. (Previously Presented) The seller application of claim 18 wherein the first user interface further includes selecting a photo to include in the transaction listing.

32. (Previously Presented) The seller application of claim 31 further includes allowing the user to choose a photo from a user selectable photo hosting service.

33. (Previously Presented) The seller application of claim 18 further includes presenting the first user interface and the second preview interface to a user at a client machine without interacting with the network-based transaction facility.

34. (Previously Presented) The seller application of claim 19 further includes presenting the first user interface, the second preview interface, and the third preview interface to a user at a client machine without interacting with the network-based transaction facility.

35. (Currently Amended) A system to compose transaction listings for use in a network-based transaction facility, the system including:

a first user interface, selectable from a transaction listing description interface, to receive text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and

a second preview user interface, selectable from the transaction listing description interface, to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.

36. (Previously Presented) The system of claim 35 further includes a third user interface to present the transaction listing in a descriptor language.

37. (Currently Amended) The system of claim 36 wherein the descriptor language is modifiable ~~may be modified~~ at the third user interface.

38. (Original) The system of claim 36 wherein the descriptor language is HTML.

39. (Canceled)

40. (Currently Amended) The system of claim 36 wherein ~~the first user interface, the second preview interface, and the third preview interface~~ [[are]] is selectable from a transaction listing interface.

41. (Currently Amended) The system of claim 35 wherein the first user interface includes a design view user interface via which the text and graphics entered at the first user interface is modifiable ~~may be modified~~.

42. (Original) The system of claim 41 wherein all text entered at the design view interface is displayed as it will appear to users accessing the network based transaction facility.

43. (Original) The system of claim 35 wherein the second preview user interface displays item specific attributes.

44. (Currently Amended) The system of claim 43 wherein item specific attributes ~~includes~~ include a user selectable theme.

45. (Original) The system of claim 44 wherein the theme includes a color scheme.

46. (Currently Amended) The system of claim 43 wherein item specific attributes ~~includes~~ include layout.

47. (Original) The system of claim 46 wherein layout includes providing display locations for text and graphics.

48. (Previously Presented) The system of claim 35 wherein the first user interface further includes selecting a photo to include in the transaction listing.

49. (Previously Presented) The system of claim 48 further includes allowing the user to choose a photo from a user selectable photo hosting service.

50. (Previously Presented) The system of claim 35 further includes presenting the first user interface and the second preview interface to a user at a client machine without interacting with the network-based transaction facility.

51. (Previously Presented) The system of claim 36 further includes presenting the first user interface, the second preview interface, and the third preview interface to a user at a client machine without interacting with the network-based transaction facility.

52. (Currently Amended) A computer-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to:

present a first user interface, selectable from a transaction listing description interface, to receive text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and

present a second preview user interface, selectable from the transaction listing description interface, to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.

REMARKS

This responds to the Office Action mailed on December 27, 2006.

Claims 1, 3, 6-7, 10, 12, 18-20, 24, 29, 35, 37, 40-41, , 44, 46, and 52 are amended, claims 5, 22, and 39 are canceled, and no claims are added; as a result, claims 1-4, 6- 21, 23-38, and 40-52 are now pending in this application.

Information Disclosure Statement

Applicants submitted a Supplemental Information Disclosure Statement and a 1449 Form on October 5, 2006. The Examiner failed to initial the first reference on page 2 of the 1449 Form (U.S. 6,857,022). Applicants respectfully request that an initialed copy of the 1449 form be returned to Applicants' Representatives to indicate that U.S. 6,857,022 has been considered by the Examiner.

§101 Rejection of the Claims

Claims 18-34 were rejected under 35 U.S.C. § 101 as being neither computer components nor statutory processes and therefore as not being physical “things”.

Claim 18 as amended recites:

A seller application to compose transaction listings for use in a network-based transaction facility, the seller application comprising:

means for presenting a first user interface, selectable from a transaction listing description interface, to receive text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing; and

means for presenting a second preview user interface, selectable from the transaction listing description interface, to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.

Independent claim 18 and claim 19 have been amended to conform to the statutory means plus function form. As such, claims 18 and 19, as amended, and dependent claims 20-34 are directed to statutory subject matter. Therefore, Applicants respectfully submit that claims 18-14 are allowable and it is requested the claim rejections under 35 U.S.C. § 101 be withdrawn.

§103 Rejection of the Claims

Claims 1, 7-8, 14-17, 18, 24-25, 31-35, 41-42 and 48-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Odom et al. (U.S. Publication No. 2002/0046137 A1) in view of Heyliger (U.S. Publication No. 2002/0073111 A1, hereinafter “Heyliger”) and Simpson et al. (U.S. Publication No. 2003/0083952 A1, hereinafter “Simpson”).

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness for the following reasons:

Claimed features lacking in combination.

The reference (or references when combined) must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Claim 1 as amended recites:

A method to compose transaction listings for use in a network-based transaction facility, the method including:

presenting a first user interface, selectable from a transaction listing description interface, to receive text inputs and graphic selections, the text inputs and graphic selections to be included in a transaction listing; and

presenting a second preview user interface, selectable from the transaction listing description interface, to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.

The Office Action at page 5, first paragraph asserts, “Odom et al, fails to disclose receiving graphics selections and presenting a second preview user interface to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility.” Also at page 5, second paragraph, the Office Action states, “Odom et al. fails to disclose wherein the first user interface and the second preview interface are selectable from a transaction listing description interface.” As such, Odom does not teach “*presenting a first user interface, selectable from a transaction listing description interface, to receive text inputs and graphic selections, the text inputs and graphic selections to be included a transaction listing,*” as recited by the amended claim 1.

Quotes from Heyliger cited by the Office Action were analyzed in the previous response. Specifically, Applicants disagree with the contention on page 5 of the Office Action that paragraph (0040) of Heyliger discloses, “*selectable from a transaction listing description interface.*” The text in the identified paragraph states that the invention includes a GUI (graphical user interface) software application that is executed on a computer workstation located anywhere and goes on with describing the minimum configuration for the workstation. The text further describes the software application as maintaining a local database that contains all the information about every item entered at the specific computer workstation, including descriptive information about the item. However, the text does not disclose that the GUI is “*selectable from a transaction listing description interface,*” as recited in claim 1.

The Office Action at page 5, second paragraph contends that Heyliger teaches a graphical user interface where a user can enter in descriptive information about the items and also preview the images. However, Heyliger does not disclose “*presenting a first user interface, selectable from a transaction listing description interface, to receive text inputs and graphic selections, the text inputs and graphic selections to be included in a transaction listing,*” as recited by the amended claim 1.

Simpson was also addressed in the previous response and the cited quote from paragraph (0105) of the reference was analyzed. Simpson does not teach “*presenting a first user interface, selectable from a transaction listing description interface, to receive text inputs and graphic selections, the text inputs and graphic selections to be included in a transaction listing,*” as recited by the amended claim 1. As such, Odem, Heyliger and Simpson, individually or in combination, fail to teach or suggest each and every element of claim 1. Thus, claim 1 is not rendered obvious by the combination and is allowable.

The above arguments are also applicable to a consideration of independent claims 18, 35 and 52. Therefore, at least for the reasons set forth above, independent claims 18, 35 and 52, and their direct or indirect dependent claims 7-8, 14-17, 24-25, 31-34, 41-42 and 48-51 are allowable. Thus, it is requested the claim rejections under 35 USC §103(a) be withdrawn.

Claims 2-6, 19-23 and 36-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Odom et al. in view of Heyliger and Simpson et al. as applied to claims 1, 18 and 35 above, and further in view of Perkowski (U.S. Publication No. 2003/0139975 A1).

With respect to dependent 2-6, 19-23, and 36-40, these claims are dependent on independent claims 1, 18, and 35, which, as argued above, are patentable. As such, for at least the same reasons set forth above, claims 2-6, 19-23 and 36-40 are allowable and it is requested the claim rejections under 35 USC §103(a) be withdrawn.

Claims 9-13, 26-30 and 43-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Odom et al. in view of Heyliger and Simpson et al. as applied to claims 1, 18 and 35 above, and further in view of Batham et al. (U.S. Publication No. 2002/0082953 A1, hereinafter “Batham”).

With regards to Claims 9-13, 26-30 and 43-47, these claims are dependent on independent claims 1, 18, and 35, which, as argued above, are allowable. As such, for at least the same reasons set forth above, claims 9-13, 26-30 and 43-47 are allowable and it is requested the claim rejections under 35 USC §103(a) be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at 408-278-4053 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Page 14

Serial Number: 10/252,129

Dkt: 2043.081US1

Filing Date: September 20, 2002

Title: METHOD AND SYSTEM FOR COMPOSING TRANSACTION LISTING DESCRIPTIONS FOR USE IN A NETWORK-BASED TRANSACTION FACILITY

Respectfully submitted,

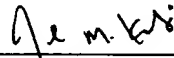
ROBERT DEAN VERES ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4053

Date February 27, 2007

By



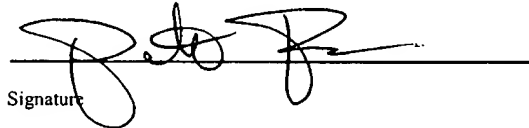
Jamal M. Kalis

Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of February 2007.



Name



Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

T_SLW11059

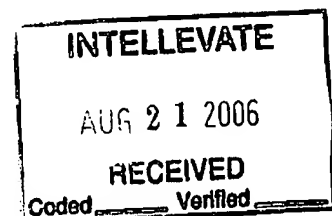
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,129	09/20/2002	Robert Dean Veres	2043.081US1	4524
49845	7590	08/18/2006		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402				
			EXAMINER JABR, FADEY S	
			ART UNIT 3639	PAPER NUMBER

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Schwegman, Lundberg,
Woessner & Kluth, P.A.

AUG 21 2006
RECEIVED

Office Action Summary	Application No.	Applicant(s)	
	10/252,129	VERES ET AL.	
	Examiner	Art Unit	
	Fadey S. Jabr	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/20/02, 2/5/04, 4/20/04, 4/24/04,</u> | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____ |
|--|--|

DETAILED ACTION

Claim Objections

1. Claims **1-3, 6-7, 14, 18-20, 23-24, 31, 35-37, 40-41, 48 and 52** are objected to because of the following informalities: the Applicant uses the word "compose" to describe the user interface. The recitation of the word "compose" to one of ordinary skill in the art is used as a verb and therefore cannot be used to describe the user interface. Appropriate correction is required in the indicated claims and any subsequent claims.

Claim Rejections - 35 USC § 112

2. Claims **6, 23 and 40** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims **6, 23 and 40** recite the limitation "third preview interface" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required in the indicated claims and any subsequent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **18-34** are rejected under 35 U.S.C. 101 because computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical

“things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory. See MPEP § 2106 (a). In the present case, the seller application is interpreted to be software *per se* as described within the specification since it is not embodied in a computer readable medium.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7-8, 14-17, 18, 24-25, 31-34, 35, 41-42, 48-52 are rejected under 35 U.S.C.

103(a) as being unpatentable over Odom et al. Pub. No. US2002/0046137 A1 in view of Heyliger, Pub. No. US2002/0073111 A1 and Simpson et al. Pub. No. US2003/0083952 A1.

As per **Claims 1, 18, 35 and 52**, Odom et al. discloses an auction system comprising:

- presenting a first compose user interface via which text can be input (0038).

Art Unit: 3639

Odom et al. fails to disclose selecting graphics to be included in a transaction listing and presenting a second preview user interface to present a preview of the transaction listing as it will be presented at the network-based transaction facility. However, Heyliger teaches computer software system that allows a user to import a digital image and preview the auction page (0002, 0040, 0051; also see Figure 1). Moreover, Simpson et al. teaches users can preview the auction page that they configured before posting onto the auction list (0105). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing the user to upload a digital image to include into the listing as well as allowing the user to preview the auction page before posting it onto the auction list as taught by Heyliger and Simpson, respectively. The motivation for combining the references would be to allow a user to edit or modify their listing so that a potential buyer would be able to see accurate information and images of the listing in the instance that the item being listed has been changed or removed.

As per Claims 5, 22 and 39, Odom et al. fails to disclose wherein the first compose user interface and the second preview interface are selectable from a transaction listing description interface. However, Heyliger teaches a graphical user interface where a user can enter in descriptive information about the item and also preview the image of the item (0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include a information input interface wherein a user can enter or preview information pertaining to the item for sale as taught by Heyliger, because it provides the user with a quick and easy interface for editing item information.

As per **Claims 7-8, 24-25 and 41-42**, Odom et al. fails to explicitly disclose wherein the first compose user interface includes a design view user interface via which the text and graphics entered at the first compose user interface may be modified and wherein all text entered at the design view interface is displayed as it will appear to users accessing the network based transaction facility. However, Odom et al. discloses the ability for a seller to modify/remove items where the listing information is made accessible to the public when posted on the world wide web (0038-0039). Moreover, Heyliger teaches allowing a user to edit the digital image so that it is suitable for online presentation (0050). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing a user to modify text and graphics as it will appear to the public as taught by Odom et al. and Heyliger, because it would allow a user to edit or modify their listing so that a potential buyer would be able to see accurate information and images of the listing in the instance that the item being listed has been changed or removed.

As per **Claims 14-15, 31-32 and 48-49**, Odom et al. fails to disclose wherein the first compose user interface further includes selecting a photo to include in the transaction listing. Odom et al. also fails to disclose allowing the user to choose a photo from a user selectable photo hosting service. However, Heyliger teaches allowing a user to import a digital image or importing a pre-existing image located online (0002, 0040, 0051; also see Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing a user to select a digital image from a

Art Unit: 3639

variety of locations as taught by Heyliger, because it allows a user to display the actual item for sale so that a buyer has accurate information of the item before the completing the transaction.

As per Claims 16-17, 33-34 and 50-51, Odom et al. fails to disclose further includes presenting the first compose user interface and the second preview interface to a user at a client machine without interacting with the network-based transaction facility. Odom et al. also fails to disclose presenting the first compose user interface, the second preview interface, and the third preview interface to a user at a client machine without interacting with the network-based transaction facility. However, Heyliger teaches an editing program that allows for manipulation of information that exists as a stand-alone executable server-based application or as a combination thereof (0040, 0054-0058). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include a user editing program that me run offline as taught by Heyliger, because it allows for temporary partial input, this eliminating the loss of data entry that occurs with real-time online data entry (0019).

6. Claims **2-6, 19-23 and 36-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom et al. Pub. No. US2002/0046137 A1 in view of Heyliger, Pub. No. US2002/0073111 A1 and Simpson et al. Pub. No. US2003/0083952 A1 as applied to claims 1, 18 and 35 above, and further in view of Perkowski, Pub. No. US2003/0139975 A1.

As per **Claims 2-4, 19-21 and 36-38**, Odom et al. fails to disclose presenting a third compose user interface to present the transaction listing in a descriptor language, wherein the descriptor language may be modified at the third compose user interface, wherein the descriptor language is HTML. However, Perkowski teaches a software program which allows a user to edit HTML code when designing auction site web pages (0065, 0325-0326). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing a user to edit HTML code as taught by Perkowski, because it enables quick and easy creation of HTML-encoded documents.

As per **Claims 6, 23 and 40**, Odom et al. fails to disclose wherein the first compose user interface and the second preview interface are selectable from a transaction listing description interface. However, Heyliger teaches a graphical user interface where a user can enter in descriptive information about the item and also preview the image of the item (0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include a information input interface wherein a user can enter or preview information pertaining to the item for sale as taught by Heyliger, because it provides the user with a quick and easy interface for editing item information.

7. Claims **9-13, 26-30 and 43-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom et al. Pub. No. US2002/0046137 A1 in view of Heyliger, Pub. No. US2002/0073111 A1 and Simpson et al. Pub. No. US2003/0083952 A1 as applied to claims 1, 18 and 35 above, and further in view of Batham et al. Pub. No. US2002/0082953 A1.

As per Claims 9-13, 26-30 and 43-47, Odom et al. fails to disclose wherein the second preview user interface displays item specific attributes, wherein item specific attributes includes a user selectable theme, wherein the theme includes a color scheme, wherein item specific attributes includes layout, wherein layout includes providing display locations for text and graphics. However, Batham et al. teaches allowing a user to build a catalog of items for sale, wherein the user can change the color, font, size or scheme of the layout (0060). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing a user to modify the color, font, size and scheme of a layout as taught by Batham et al., because it provides the user with a quick and easy interface for editing item information.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3639

FSJ

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**JOHN W. HAYES
SUPERVISORY PATENT EXAMINER**

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number

Filing Date

Herewith

First Named Inventor

Group Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

003801.P081

Sheet

1

of

8

J-5428 U.S. PTO
10/25/129
09/20/02

U.S. PATENT DOCUMENTS

Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
FJ	3,581,072		Nymayer	5/25/1971	3/28/1968
	3,573,747		Adams, et al.	4/6/1971	2/24/1969
	4,412,287		Braddock, III	10/25/1983	9/15/1982
	4,674,044		Kalmus, et al.	4/16/1997	1/30/1985
	4,677,552		Sibley, Jr.	6/30/1987	10/5/1984
	4,789,928		Fujisaki	12/6/1988	1/30/1987
	4,799,156		Shavit, et al.	1/17/1989	10/1/1986
	4,823,265		Nelson	4/18/1989	5/11/1987
	4,903,201		Wagner	2/20/1990	11/3/1983
	5,063,507		Lindsey, et al.	11/5/1991	9/14/1990
	5,077,665		Sliverman, et al.	12/31/1991	5/25/1989
	5,101,353		Lupien, et al.	3/31/1992	5/31/1989

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			
FJ	PCT	WO 92/15174	2/25/1992	Beaumont-Maxin International	9/3/1992	
FJ	PCT	WO 96/34356	4/26/1996	Fleanet, Inc.	10/31/1996	
FJ	PCT	WO 97/37315	3/19/1997	Onsale, Inc.	10/9/1997	

OTHER DOCUMENTS

Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
FJ	MALONE, T.W.; YATES, J; et al., "Electronic Markets and Electronic Hierarchies", <u>Communications - of the ACM</u> , June 1987, Pages 484-497, Vol. 30, No. 6.	
FJ	WARBELOW, A; KOKURYO, J, "Aucnet: TV Auction Network System". <u>Harvard Business School Case/Study</u> , July 1989, Pages 1-15, HBVR# 9-190-001, USA	
FJ	"Personal Optimized Decision/Transaction Program", <u>IBM Technical Disclosure Bulletin</u> , January 1995, Pages 83-84, Vol. 38, No. 1	
FJ	NEO, B.S, "The implementation of an electronic market for pig trading in Singapore", <u>Journal of Strategic Information Systems</u> , December 1992, pages 278-288, Vol 1	

Examiner
Signature

Date

Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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				Application Number	
				Filing Date	
				First Named Inventor	
				Group Art Unit	
				Not Yet Assigned	
				Not Yet Assigned	
Sheet	2	of	8	Attorney Docket Number	
				003801.P081	

U.S. PATENT DOCUMENTS				
Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
FJ	5,136,501	Silverman, et al.	8/4/1992	5/26/1989
	5,168,446	Wiseman	12/1/1992	5/23/1989
	5,243,515	Lee	9/7/1993	10/30/1990
	5,258,908	Hartheimer, et al.	11/2/1993	11/2/1990
	5,280,422	Moe, et al.	1/18/1994	11/5/1990
	5,297,031	Guterman, et al.	3/22/1994	3/6/1990
	5,297,032	Trojan, et al.	3/22/1994	2/1/1991
	5,305,200	Hartheimer, et al.	4/19/1994	11/2/1990
	5,325,297	Bird, et al.	6/28/1994	6/25/1992
	5,329,589	Fraser, et al.	7/12/1994	6/3/1993
	5,375,055	Togher, et al.	12/20/1994	2/3/1992
✓	5,394,324	Clearwater	2/28/1995	12/8/1993

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Examiner Initials *		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
		Office or Country	Number	Date			
FJ		Netherland	9300266	2.10.1993			No
FJ		France	2658635-A1	2.6.1991			
FJ		Canada	2,253,543	3/19/1997			Yes

OTHER DOCUMENTS			
Examiner Initials *		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation Yes/No
FJ		ROCKOFF, T.E; GROVES, M., "Design of an Internet-based system for remote Dutch auctions", <u>Internet Research - Electronic Networking Applications and Policy</u> , January 1, 1995, Vol 5, No. 4, Pages 10-16.	
FJ		MASSIMB, M.N; PHELPS, B.D, "Electronic Trading, Market Structure and Liquidity", <u>Financial Analysts Journal</u> , January - February 1994, Vol 50, No. 1, Pages 39-50.	
FJ		POST, D.L; COPPINGER, S.S, et al., "Application of Auctions as a Pricing Mechanism for the Interchange of Electric Power", <u>IEEE Transactions on Power Systems</u> , August 1995, Pages 7, Vol. 10, No. 3.	
FJ		HESS, C.M; KEMERER, C.F., "Computerized Loan Organization System: An Industry Case Study of the Electronic Markets Hypothesis", <u>MIS Quarterly</u> , September 1994, Vol. 18, No 3, Pages 251-274.	

Examiner Signature	Date Considered
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				Filing Date	Herewith
				First Named Inventor	
				Group Art Unit	
Examiner Name		Not Yet Assigned			
Sheet	3	of	8	Attorney Docket Number	003801.P081

U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date If Appropriate
		Number			
FJ		5,426,281	Abecassis	6/20/1995	10/29/1993
↓		5,553,145	Micali	9/3/1996	8/4/1995
		5,640,569	Miller, et al.	6/17/1997	4/28/1995
		5,664,115	Fraser	9/2/1997	6/7/1995
		5,689,652	Lupien, et al.	11/18/1997	4/27/1995
		5,710,889	Clark, et al.	1/20/1998	6/7/1995
		5,715,402	Popolo	2/3/1998	11/9/1995
		5,717,989	Tozzoli, et al.	2/10/1998	10/13/1994
		5,727,165	Ordish, et al.	3/10/1998	12/27/1994
		5,794,219	Brown	8/11/1998	2/20/1996
	V		5,818,914	Fujisaki	10/6/1998
		5,826,244	Huberman	10/20/1998	8/23/1995

FOREIGN PATENT DOCUMENTS							
Examiner Initials *		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
		Office or Country	Number	Date			
FJ		PCT	WO99/63461	12/9/1999			
FJ		PCT	WO95/17711	6/29/1995			

OTHER DOCUMENTS			
Examiner Initials *		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
FJ		RECK, Martin, "Formally Specifying and Automated Trade Execution System", <u>Journal of Systems and Software</u> , 1993, Pages 245-252, Vol. 21.	
FJ		"Anonymous Delivery of Goods in Electronic Commerce", <u>IBM Technical Disclosure Bulletin</u> , March 1996, Pages 363-366, Vol. 39, No. 3.	
FJ		LEE, Ho G., " Electronic Brokerage and Electronic Auction: The Impact of IT on Market Structures", <u>Proceedings of the 29th HICSS</u> , 1996, Pages 397-406, Vol. IV.	
FJ		CLEMONS, E; WEBER, B., "Evaluating the Prospects for Alternative Electronic Securities Markets", <u>International Conference on Information Systems</u> , 1991, Pages 53-61, Vol 12.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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				Application Number	
				Filing Date	
				First Named Inventor	
				Group Art Unit	
				Not Yet Assigned	
				Not Yet Assigned	
Sheet 4 of 8				Attorney Docket Number 003801.P081	

U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
		Number			
FJ		5,835,896	Fisher, et al.	11/10/1998	3/29/1996
↓		5,845,266	Lupien, et al.	12/1/1998	12/12/1995
		5,850,442	Muftic	12/15/1998	3/26/1996
		4,864,516	Gathier, et al	9/5/1989	3/10/1986
		5,205,200	Wright	4/27/1993	1/9/1992
		5,485,510	Colbert	1/16/1996	9/1/1994
		5,557,728	Garrett, et al.	9/17/1996	11/22/1994
		5,598,557	Doner, et al.	1/28/1997	9/22/1992
		5,657,389	Houvener	8/12/1997	5/8/1995
		5,694,546	Reisman	12/2/1997	5/21/1994
		5,706,457	Dwyer, et al.	1/6/1998	6/7/1995
↓		5,715,314	Payne, et al.	2/3/1998	10/24/1994

FOREIGN PATENT DOCUMENTS							
Examiner Initials *		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation Yes/No
		Office or Country	Number	Date			

OTHER DOCUMENTS		
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
FJ	MARDESICH, J., "Onsale takes auction gavel electronic", <u>Computer Reseller News</u> , July 8, 1996, Page 2 continued on Page 32.	
FJ	"Onsale joins fray as online shopping picks up speed: INTERNET BOOMS", <u>Computer Reseller News</u> , June 5, 1995, Page 73 (www.dialogweb.com).	
FJ	SIEGMANN, Ken, "Nowhere to go but up", <u>PC Week</u> , October 23, 1995, Page 1-3, Vol. 12, No. 42 (www.dialogweb.com).	
FJ	"Onsale: Onsale Brings Thrill of Auctions and Bargain Hunting Online; Unique Internet retail service debuts with week-long charity auction for the Computer Museum In Boston", May 24, 1995, (pp 3) <u>Dialog Web</u> . 0489267 BW0022.	

Examiner Signature	Date Considered
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				Application Number	
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				First Named Inventor	
				Group Art Unit Not Yet Assigned	
				Examiner Name Not Yet Assigned	
Sheet	5	of	8	Attorney Docket Number 003801.P081	

U.S. PATENT DOCUMENTS						
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate	
		Number				
FJ		5,771,380	Tanaka, et al.	6/23/1998	10/7/1996	
↓		5,771,291	Newton, et al.	6/23/1998	12/11/1995	
		5,799,285	Klingman	8/25/1998	8/30/1996	
		5,803,500	Mossberg	9/8/1998	3/27/1997	
		5,845,265	Woolston	12/1/1998	11/7/1995	
		5,872,848	Romney, et al.	2/16/1999	2/18/1997	
		5,873,069	Reuhl, et al.	2/16/1999	10/13/1995	
		5,884,056	Steele	3/16/1999	12/28/1995	
		5,890,138	Godin, et al.	3/30/1999	8/26/1996	
		5,905,974	Fraser, et al.	5/18/1999	12/13/1996	
	↓		5,905,975	Aussubel	5/18/1999	1/2/1997
			5,922,074	Richard, et al.	7/13/1999	2/28/1997

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Examiner Initials *		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
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OTHER DOCUMENTS				
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).			Translation? Yes/No
FJ	SCHMID, B.F., "The Development of Electronic Commerce", <u>Newsletter of the Competence Centre Electronic Markets</u> , October 1993, No. 9/10.			
FJ	TJOSTHEIM, I; EIDE, J., "A case study of an on-line auction for the World Wide Web", Norwegian Computing Center, No Date Given, www.nr.no/gem/elcom/publikasjoner/enter98e.html .			
FJ	GRAHAM, I., "The Emergence of Linked Fish Markets in Europe", <u>Focus Theme</u> , No Date Given.			
FJ	RECK, Martin, "Traing-Process Characteristics of Electronic Auctions", <u>Focus Theme</u> , No Date Given.			

Examiner Signature	Date Considered
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				First Named Inventor	
				Group Art Unit	
				Examiner Name	
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				003801.P081	

U.S. PATENT DOCUMENTS				
Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
FJ	5,926,794	Felthe	7/20/1999	3/6/1996
	5,991,739	Cupps, et al.	11/23/1999	11/24/1997
	6,035,402	Vaeth, et al.	3/7/2000	12/20/1996
	6,044,363	Mori, et al.	3/28/2000	9/2/1997
	6,055,518	Franklin, et al.	4/25/2000	11/12/1996
	6,058,417	Hess, et al.	5/2/2000	10/23/1998
	6,073,117	Oyanagi, et al.	6/6/2000	3/13/1998
	6,104,815	Alcorn, et al.	8/16/2000	1/9/1998
	5,715,314	Payne, et al.	2/3/1998	10/24/1994
	5,722,418	Bro	3/3/1998	9/30/1994
	5,799,285	Klingman	8/25/1998	8/30/1996
	5,803,500	Mossberg	9/8/1998	3/27/1997

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OTHER DOCUMENTS			
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FJ		VAN HECK, E.; RIBBERS, P.M., "Experiences with Electronic Auctions in the Dutch Flower Industry", <u>Focus Theme</u> , No Date Given.	
FJ		LEE, H.G., "AUCNET: Electronic Intermediary for Used-car Transactions", <u>Focus Theme</u> , No Date Given.	
FJ		KLEIN, S., "Introduction to Electronic Auctions", <u>Focus Theme</u> , No Date Given	
FJ		TURBAN, E., "Auctions and Bidding on the Internet an Assessment", <u>Focus Theme</u> , No Date Given.	

Examiner Signature	Date Considered
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				Not Yet Assigned	
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FJ	5,873,069	Reuhl, et al.	2/16/1999	10/13/1995
	5,722,418	Bro	3/3/1998	9/30/1994
	5,924,072	Havens	7/13/1999	1/6/1997
	5,874,412	Hazelhurst, et al.	10/26/1999	9/24/1997
	5,596,994	Bro	1/28/1997	5/2/1994
	5,857,203	Kauffman, et al.	1/5/1999	7/29/1996
	5,857,201	Wright, Jr., et al.	1/5/1999	6/18/1996
	5,857,188	Douglas	1/5/1999	4/29/1996
	6,161,082	Goldberg, et al.	12/12/2000	11/18/1997
	5,790,790	Smith, et al.	8/4/1998	
	5,845,265	Woolston	12/1/1998	
✓	6,047,264	Fisher, et al.	4/4/2000	

FOREIGN PATENT DOCUMENTS						
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OTHER DOCUMENTS			
Examiner Initials *		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
FJ		ZWASS, Vladimir, "Electronic Commerce: Structures and Issues", <u>International Journal of Electronic Commerce</u> , Fall 1996, Pages 3-23, Vol, 1, No. 1, pp 3-23 (www.cba.bgsu.edu).	
FJ		PRIEST, Chris; van TOL, Maarten, "Adaptive agents in a persistent shout double auction", Proceedings of the First International Conference on Information and Computation Economics, October 25-28, 1998, Charleston, US.	
FJ		RESNICK, Paul; ZECKHAUSER, Richard; FRIEDMAN, Eric; KUWABARA, Ko, "Reputation Systems", Association for Computing Machinery, <u>Communications of the ACM</u> , vol. 43, no. 12, pp 45-48 ((Dialog file).	
FJ		MEADE, Jim, visual 360: a performance appraisal system that's "fun"., <u>HR Magazine</u> , July, 1999 (Dialog file).	

Examiner Signature	Date Considered
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				First Named Inventor	
				Group Art Unit	
Examiner Name				Not Yet Assigned	
Attorney Docket Number				003801.P081	
Sheet	8	of	8		

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Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
FJ	6,061,448	Smith, et al.	5/9/2000	
	6,085,176	Woolsten	7/4/2000	
	6,119,137	Smith, et al.	9/12/2000	
	6,178,408	Copple, et al.	1/23/2001	
	6,192,407	Smith, et al.	2/20/2001	
	6,202,051	Woolsten	3/13/2001	
	6,243,691	Fisher, et al.	6/5/2001	

FOREIGN PATENT DOCUMENTS							
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OTHER DOCUMENTS		
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 1 of 1

Complete if Known**Application Number** 10/252129**Filing Date** September 20, 2002**First Named Inventor** Veres, Robert**Group Art Unit** 3629**Examiner Name** Unknown**Attorney Docket No:** 3801.P081**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date if Appropriate
FJ	US-5,724,524	03/03/1998	Hunt, William M., et al.			12/15/1995
FJ	US-6,058,379	05/02/2000	Odum, James M., et al.			07/11/1997
FJ	US-6,058,417	05/02/2000	Hess, Martin L., et al.	B1		10/23/1998
FJ	US-6,119,229	09/12/2000	Martinez, Ronald, et al.			04/11/1997
FJ	US-6,598,026	07/22/2003	Ojha, Purnendu S., et al.			05/25/1999

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Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T*
FJ	WO-03/038560	05/08/2003	Kotas, Paul, et al.	A2		

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T*
FJ		"International Search Report", PCT/US03/17915, (11/26/2003),	

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GROUP 3600**EXAMINER**

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ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18
Stylesheet Version v18.0

Title of Invention	METHOD AND SYSTEM FOR COMPOSING TRANSACTION LISTING DESCRIPTIONS FOR USE IN A NETWORK-BASED TRANSACTION FACILITY						
Application Number: 10/252129							
Confirmation Number: 4524							
First Named Applicant: Robert Veres							
Attorney Docket Number: 3801P081							
Art Unit: 3629							
Examiner: Unknown Unknown							
Search string: (20030018885 or 5799285 or 5909544 or 5944790 or 6574239).pn.							
US Patent Documents							
Note: Applicant is not required to submit a paper copy of cited US Patent Documents							
init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
FJ	1	20030018885	2003-01-02	Landsman, Rick W., et al.			
FJ	2	5799285	1998-08-25	Klingman, Edwin E.			
FJ	3	5909544	1999-06-01	Anderson, Michell M., et al.		395	200.38
FJ	4	5944790	1999-08-31	Levy, Daniel R.			
FJ	5	6574239	2003-06-03	Dowling, Eric M., et al.		370	469
Remarks							
Note: Remarks are not for responding to an office action.							
<p>Applicants, in accordance with their duty of disclosure under 37 CFR 1.56 and in accordance with 37 CFR 1.97(b)(3), hereby submit this Electronic Information Disclosure Statement citing U.S. Patent Documents for consideration by the Examiner. Pursuant to 37 CFR 1.97, the submission of this Electronic Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability. This Electronic Information Disclosure Statement is being filed</p>							

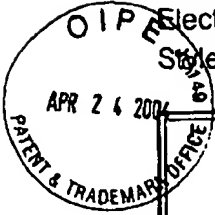
prior to a substantive examination of the claims. Pursuant to 37 CFR 1.97(b), no fee should be required for the filing of this Electronic Information Disclosure Statement. In the event it is determined that a fee is due, please charge the fee to Deposit Account 02-2666. Applicants respectfully request that the cited documents be considered and that the form be initialed by the Examiner to indicate such consideration and a copy thereof be returned to Applicants' attorney of record.

Signature

Examiner Name	Date
/Fadey Jabr/ (08/01/2006)	

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18
Stylesheet Version v18.0



Title of
Invention

METHOD AND SYSTEM FOR COMPOSING
TRANSACTION LISTING DESCRIPTIONS FOR USE IN A
NETWORK-BASED TRANSACTION FACILITY

Application Number: 10/252129
Confirmation Number: 4524
First Named Applicant: Robert Veres
Attorney Docket Number: 3801P081
Art Unit: 3629
Examiner: Unknown Unknown
Search string: (20010029455 or 6363337).pn.



US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

Init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
FJ	1	20010029455	2001-10-11	Chin, Jeffrey J., et al.			
FJ	2	6363337	2002-03-26	Amith, Aviel			

Remarks

Note: Remarks are not for responding to an office action.

Applicants, in accordance with their duty of disclosure under 37 CFR 1.56 and in accordance with 37 CFR 1.97(b)(3), hereby submit this Electronic Information Disclosure Statement citing U.S. Patent Documents for consideration by the Examiner. Pursuant to 37 CFR 1.97, the submission of this Electronic Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability. This Electronic Information Disclosure Statement is being filed prior to a substantive examination of the claims. Pursuant to 37 CFR 1.97(b), no fee should be required for the filing of this Electronic Information Disclosure Statement. In the event it is determined that a fee is due, please charge the fee to Deposit Account 02-2666. Applicants respectfully request that the cited documents be considered and that the form be initiated by the Examiner to indicate such consideration and a copy

thereof be returned to Applicants' attorney of record.

Signature

Examiner Name	Date
/Fadey Jabr/ (08/01/2006)	



ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18
Stylesheet Version v18.0

Title of Invention	METHOD AND SYSTEM FOR COMPOSING TRANSACTION LISTING DESCRIPTIONS FOR USE IN A NETWORK-BASED TRANSACTION FACILITY						
<div>Application Number: 10/252129</div> <div>Confirmation Number: 4524</div> <div>First Named Applicant: Robert Veres</div> <div>Attorney Docket Number: 3801P081</div> <div>Art Unit: 3629</div> <div>Examiner: Unknown Unknown</div> <div>Search string: (5596994 or 5909544 or 5974412 or 6035288 or 6266651 or 6266652).pn.</div>							
<div>RECEIVED JUL 14 2004 GROUP 3600</div>							
US Patent Documents							
Note: Applicant is not required to submit a paper copy of cited US Patent Documents							
init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
F	1	5596994	1997-01-28	Bro, L W.			
	2	5909544	1999-06-01	Anderson, Michell M., et al.			
	3	5974412	1999-10-26	Hazelhurst, Brian L., et al.			
	4	6035288	2000-03-07	Solomon,			
	5	6266651	2001-07-24	Woolston, Thomas G.			
	6	6266652	2001-07-24	Godin, Paul B., et al.			
Remarks							
Note: Remarks are not for responding to an office action.							
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material to patentability. This Electronic Information Disclosure Statement is being filed after the mailing of a first office action and before the mailing of a final office action, notice of allowance, or an action otherwise closing prosecution. Pursuant to 37 CFR 1.97(c)(2), the fee set forth in 37 CFR 1.17(p) of \$180.00 is due for the filing of this Electronic Information Disclosure Statement. Please charge this fee and any other fee that may be due to Deposit Account 02-2666. Applicants respectfully request that the cited documents be considered and that the form be initialed by the Examiner to indicate such consideration and a copy thereof be returned to Applicants' attorney of record.

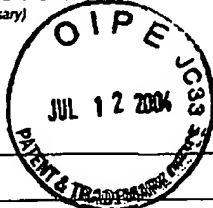
Signature

Examiner Name	Date
/Fadey Jabr/ (08/01/2006)	

Substitute for form 1449A/PTO

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(Use as many sheets as necessary)



Sheet 1 of 1

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PTO/SB/08A(10-01)
Approved for use through 10/31/2002. OMB 651-0031
US Patent & Trademark Office U.S. DEPARTMENT OF COMMERCE

Complete if Known

Application Number	10/252,129
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3629
Examiner Name	Unknown

Attorney Docket No: 3801P081

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JUL 16 2004

GROUP 3600

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T ²
FJ	JP-02207898	07/26/2002	Yamamoto, Hiroshi			
↓	WO-0058862	10/05/2000	Kinney, Sam E., et al.			
↓	WO-0182115	11/01/2001	Wang, Bill H.			
↓	WO-03038560	05/08/2003	Kotas, Paul, et al.		A3	

OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
FJ		"International Search Report", PCT/US00/17136, (6/21/00),	
↓		"International Search Report", PCT/US01/23854, (7/24/01),	
↓		"International Search Report", PCT/US02/04692, (2/11/02),	
↓		"International Search Report", PCT/US99/18510, (8/12/99),	
↓		"International Search Report", PCT/US01/12398, (4/16/01),	
↓		"International Search Report", PCT/US01/04811, (2/14/01),	
↓		"International Search Report", PCT/US99/29312, (12/8/99),	
↓		"International Search Report", PCT/US00/32088, (11/20/00),	
↓		"International Search Report", PCT/US01/02584, (1/26/01),	
↓		"Mediapraise", Mediapraise receives national award for web-based technology that enables companies to solve thorn HR problem. Business Editors., (12/14/98),	
↓		"Subasta.com Enters Into Strategic Partnership With From2.com", Business Wire, 06242815 Dialog File 20: see page 1., (7/16/99),	
↓		"Subasta.com The Premier Online Auction Board for Latin America, Spain, and the Hispanic Sector of the U.S., Has Attracted Over 60,000 Viewers in Less Than Two Months!", Business Wire, 06240372 Dialog File 20: see all pages., (7/16/99),	
↓		"United Technologies: UTC's Carrier Corp. Teams With FreeMarkets To Create Largest Asian-based B2B Online Auction Market To Date; UTC Division Identifies Average Annual Savings of More Than 16 Percent on Electric Motors Through FreeMarkets B2B e Marketplac", M2 Presswire, 10190474 Dialog File., (3/22/00),	
↓		"Yahoo! Auctions Celebrates One-Year Anniversary; As Online Auction Usage Continues to Grow, Yahoo! is Quickly Becoming The World Marketplace of the New Millennium.", Business Wire, 07211889 Dialog File 20: see all pages., (9/14/99),	
↓		AKIN, D., "Web Retailing Gains Market Muscle As Concerns Fade: Record Season: Increasing Number of Sites Catering For Canadian Dollar", Financial Post, 03856053 Dialog File 20: see all pages., (12/26/98), 7	
↓		MERRILL, KEVIN, "GE Capital to Extend Integrator Buying Spree", Computer Resell News, http://www.crn.com, (7/8/96), p 31-32	

EXAMINER

/Fadey Jabr/ (08/01/2006)

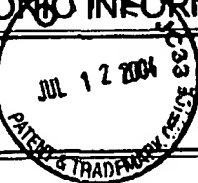
DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with WIPO P 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language translation is attached.

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18
 Stylesheet Version v18.0



Title of Invention

METHOD AND SYSTEM FOR COMPOSING TRANSACTION
 LISTING DESCRIPTIONS FOR USE IN A NETWORK-BASED
 TRANSACTION FACILITY

Application Number: 10/252129

Confirmation Number: 4524

First Named Applicant: Robert Veres

Attorney Docket Number: 3801P081

Art Unit: 3629

Examiner: Unknown Unknown

Search string: (5596994 or 5909544 or 5974412 or 6035288 or 6266651 or
 6266652),pn.

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10/252129

JUL 16 2004

GROUP 3600

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
FJ	1	5596994	1997-01-28	Bro, L W.			
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	3	5974412	1999-10-26	Hazelhurst, Brian L., et al.			
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Signature

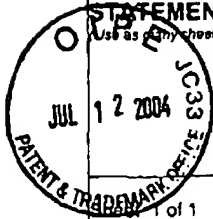
Examiner Name	Date
/Fadey Jabr/ (08/01/2006)	

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

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PTO/503024-10-011
Approved for use through 10/31/2002, OMB 051-0031
US Patent & Trademark Office U.S. DEPARTMENT OF COMMERCE

Complete if Known

Application Number	10/252,129
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3629
Examiner Name	Unknown

AUG 06 2004

Attorney Docket No: 3801P081 Technology Center 2100

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T ¹
FJ	JP-02207898	07/26/2002	Yamamoto, Hiroshi			
FJ	WO-0058862	10/05/2000	Kinney, Sam E., et al.			
FJ	WO-0182115	11/01/2001	Wang, Bill H.			
FJ	WO-03038560	05/08/2003	Kotas, Paul, et al.		A3	

OTHER DOCUMENTS - NON PATENT LITERATURE DOCUMENTS

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FJ		"International Search Report", PCT/US00/17136, (6/21/00).	
		"International Search Report", PCT/US01/23854, (7/24/01).	
		"International Search Report", PCT/US02/04692, (2/11/02).	
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		"International Search Report", PCT/US01/12398, (4/16/01).	
		"International Search Report", PCT/US01/04811, (2/14/01).	
		"International Search Report", PCT/US99/29312, (12/8/99).	
		"International Search Report", PCT/US00/32088, (11/20/00).	
		"International Search Report", PCT/US01/02584, (1/26/01).	
		"Mediapraise", <u>Mediapraise receives national award for web-based technology that enables companies to solve thorn HR problem. Business Editors.</u> , (12/14/98).	
		"Subasta.com Enters Into Strategic Partnership With From2.com", <u>Business Wire</u> , 06242815 Dialog File 20: see page 1., (7/16/99).	
		"Subasta.com The Premier Online Auction Board for Latin America, Spain, and the Hispanic Sector of the U.S., Has Attracted Over 60,000 Viewers in Less Than Two Months!", <u>Business Wire</u> , 06240372 Dialog File 20: see all pages., (7/16/99).	
		"United Technologies: UTC's Carrier Corp. Teams With FreeMarkets To Create Largest Asian-based B2B Online Auction Market To Date; UTC Division Identifies Average Annual Savings of More Than 16 Percent on Electric Motors Through FreeMarkets B2B e Marketplac", <u>M2 Presswire</u> , 10190474 Dialog File., (3/22/00).	
		"Yahoo! Auctions Celebrates One-Year Anniversary; As Online Auction Usage Continues to Grow, Yahoo! is Quickly Becoming The World Marketplace of the New Millennium.", <u>Business Wire</u> , 07211889 Dialog File 20: see all pages., (9/14/99).	
		AKIN, D., "Web Retailing Gains Market Muscle As Concerns Fade: Record Season: Increasing Number of Sites Catering For Canadian Dollar", <u>Financial Post</u> , 03856053 Dialog File 20: see all pages., (12/26/98).7	
		MERRILL, KEVIN, "GE Capital to Extend Integrator Buying Spree", <u>Computer Resell News</u> , http://www.crn.com , (7/8/96), p 31-32	

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EXAMINER

/Fady Jabr/ (08/01/2006)

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

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Notice of References Cited	Application/Control No. 10/252,129	Applicant(s)/Patent Under Reexamination VERES ET AL.	
	Examiner Fadcy S. Jabr	Art Unit 3639	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0046137	04-2002	Odom et al.	705/26
*	B	US-2003/0083952	05-2003	Simpson et al.	705/26
*	C	US-2002/0073111	06-2002	Heyliger, David Kern	707/500
*	D	US-2003/0139975	07-2003	Perkowski, Thomas J.	705/26
*	E	US-2002/0082953	06-2002	Batham et al.	705/27
*	F	US-6,266,652	07-2001	Godin et al.	705/37
*	G	US-6,058,379	05-2000	Odom et al.	705/37
*	H	US-2003/0167213	09-2003	Jammes et al.	705/27
*	I	US-7,076,453	07-2006	Jammes et al.	705/26
*	J	US-5,846,265	12-1998	McGregor et al.	8/400
*	K	US-6,243,691	06-2001	Fisher et al.	705/37
*	L	US-2005/0102151	05-2005	Fuwa et al.	705/001
*	M	US-5,890,138	03-1999	Godin et al.	705/26

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 10/252,129	Applicant(s)/Patent Under Reexamination VERES ET AL.	
	Examiner Fadey S. Jabr	Art Unit 3639	Page 2 of 2

U.S. PATENT DOCUMENTS

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*	A	US-2002/0099562	07-2002	Bruce et al.	705/1
*	B	US-6,202,051	03-2001	Woolston, Thomas G.	705/27
	C	US-			
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	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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	Q					
	R					
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,129	09/20/2002	Robert Dean Vercs	2043.081US1	4524
49845 7590 05/15/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER JABR, FADEY S	
			ART UNIT 3628	PAPER NUMBER
			NOTIFICATION DATE 05/15/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWK.COM

Office Action Summary	Application No.	Applicant(s)	
	10/252,129	VERES ET AL.	
	Examiner	Art Unit	
	Fadey S. Jabr	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-21, 23-38 and 40-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-21, 23-38 and 40-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/23/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 5, 22 and 39 have been cancelled. Claims 1, 3, 6-7, 10, 12, 18-20, 24, 29, 35, 40-41, 44, 46 and 52 have been amended. Claims 1-4, 6-21, 23-38 and 40-52 remain pending and are again presented for examination.

Response to Arguments

1. Applicant's arguments with respect to claims 1-4, 6-21, 23-38 and 40-52 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 2 March 2007 with respect to 35 U.S.C. 101 have been fully considered but they are not persuasive. Upon for consideration of the claims, additional 35 U.S.C. 101 issues have become apparent.

Claim Rejections - 35 USC § 112

3. Claims 1, 18, 35 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claims 1, 18, 35 and 52, the recitation, "presenting a *second preview* user interface" is vague and indefinite. It is unclear to the Office whether the applicant is attempting to claims two preview interfaces or a second user interface for previewing. Appropriate correction is required in the indicated claims and any subsequent claims.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **1-4, 6-21, 23-38** and **40-51** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim **1** fails to interrelate the method of composing transaction listings with the presenting of user interfaces. As understood a user interface is nothing more than software and is therefore held to be non-statutory for failing to provide a tangible result. Thus, claims **1-4** and **6-17** are rejected under 35 U.S.C. 101.

Claims **18-21** and **22-34** are rejected under 35 U.S.C. 101 because computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See MPEP § 2106 (a). In the present case, the seller application is interpreted to be software *per se* as described within the specification since it is not embodied in a computer readable medium. A seller application is understood to be a software application and is therefore held to be non-statutory. Claims **35-38** and **40-51** are rejected under 35 U.S.C. 101 because computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of

Art Unit: 3628

the programs, are not physical “things.” A system claim must embody structure, therefore once again, a user interface is nothing more than software and is therefore held to be non-statutory for failing to provide a tangible result.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10, 14-27, 31-44 and 48-52 rejected under 35 U.S.C. 102(e) as being anticipated by DiStefano, III, U.S. Patent No. 6,771,291 B1, hereinafter referred to as DiStefano.

As per Claims 1,6, 9-10, 16-17, 18, 23, 26-27, 33-34, 35, 40, 43-44 and 50-52,

DiStefano discloses a method and system for developing electronic documents employing multiple display regions comprising:

- presenting a first user interface selectable from a transaction listing description interface, to receive text inputs and graphics selections, the text inputs and graphics selections to be included in a transaction listing (C. 5, lines 25-64, C. 10, lines 7-24, C. 15, line 64- C. 16, line 24, also see Figures 3, 7 and 13); and

Art Unit: 3628

- presenting a second preview user interface, selectable from the transaction listing description interface, to present a preview of the transaction listing, the transaction listing to be presented at the network-based facility (C. 18, line 45-C. 19, line 2).

As per Claims 2-4, 19-21 and 36-38, DiStefano further discloses presenting a third user interface to present the transaction listing in a descriptor language (C. 1, lines 21-30, C. 3, line 65- C. 6, line 10).

As per Claims 7, 24 and 41, DiStefano further discloses wherein the first user interface includes a design view user interface via which the text and graphics entered at the first user interface is modifiable (C. 6, lines 10-44, also see Figure 3).

As per Claims 8, 25 and 42, DiStefano further discloses wherein all text entered at the design view interface is displayed as it will appear to users accessing the network based transaction facility (C. 10, lines 7-24).

As per Claims 14, 31 and 48, DiStefano further discloses wherein the first user interface further includes selecting a photo to include in the transaction listing (C. 16, lines 7-15).

As per Claims 15, 32 and 49, DiStefano further discloses allowing the user to choose a photo from a user selectable photo hosting service (C. 5, lines 47-64).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11-13, 28-30 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiStefano in view of Batham et al., Pub. No. US2002/0082953, hereinafter referred to as Batham.

As per Claims 11-13, 28-30 and 45-47, DiStefano fails to *explicitly* disclose wherein the theme includes a color scheme, wherein item specific attributes include layout, wherein the layout includes providing display locations for text and graphics. However, DiStefano discloses templates and themes (C. 5, lines 47-64). DiStefano also discloses locations for banner ads and logos (see Figure 9). Furthermore, Batham teaches allowing a user to build a catalog of items for sale, wherein the user can change the color, font, size or scheme of the layout (0060). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of DiStefano and include a layout as taught by Batham, because it provides the user with a quick and easy interface for editing item information.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the

Art Unit: 3628

specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

Application/Control Number: 10/252,129

Page 8

Art Unit: 3628

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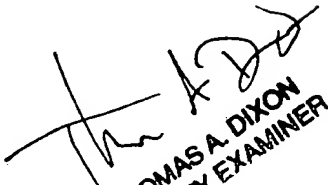
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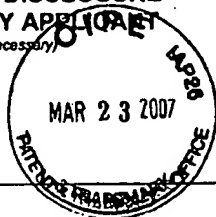
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THOMAS A. DIXON
PATENT EXAMINER

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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Complete if Known

Application Number	10/252,129
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3628
Examiner Name	Jabr, Fadey

Sheet 1 of 1

Attorney Docket No: 2043.081US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-2003/0110047A1	06/12/2003	Santosuosso, J. M., et al.	12/11/2001

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/FJ/		eBay:Internet Archive Wayback Machine, www.archive.org; www.ebay.com; 07, 12, (October 1999), 8 pgs.	
/FJ/		"Subasta.com, the Premier Online Auction Board for Latin America, Spain, and the Hispanic Sector of the U.S., has Attracted Over 60,000 Viewers in Less than Two Months!", Business Wire, Proquest # 43203028, (16 July 1999), 3pgs.	
/FJ/		TAPSCOTT, D. , "eBay endaggers traditional papers auctioneer can pack far more punch in your sales pitch", National Post, Proquest# 54945579, (09 October 1999), 3 pgs.	
/FJ/		WILSON, D. , "Going...Going...Gone! Bargain-hunters and collectors can scour auctions from home via the internet", The Gazette, Proquest #4116732, (27 April 1999), 4 pgs.	

EXAMINER

/Fadey Jabr/

DATE CONSIDERED

05/03/2007

Substitute Disclosure Statement Form (PTO-1448)
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * Applicant's unique citation designation number (optional) * Applicant is to place a check mark here if English language Translation is attached



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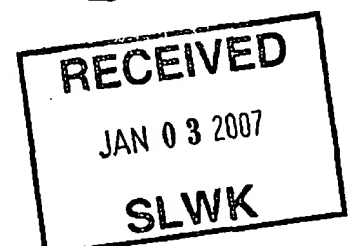
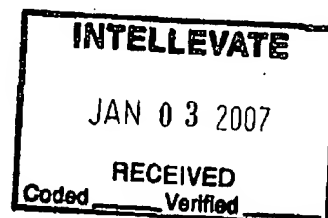
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,129	09/20/2002	Robert Dean Veres	2043.081US1	4524
49845 7590 12/27/2006 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER JABR, FADEY S	
			ART UNIT 3628	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 12/27/2006	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



Office Action Summary	Application No.	Applicant(s)	
	10/252,129	VERES ET AL.	
	Examiner	Art Unit	
	Fadey S. Jabr	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-3, 5-7, 14-20, 22-24, 31-37, 39-41 and 48-52 are amended. Claims 1-52 remain pending and are again presented for examination.

Response to Arguments

1. Applicant's arguments filed 10 October 2006 have been fully considered but they are not persuasive.
2. Applicant's amendments, with respect to the Claim Objections, have been fully considered and are therefore withdrawn.
3. Applicant's amendments, with respect to 35 U.S.C. 112 second paragraph, have been fully considered and are therefore withdrawn.
4. Applicant's arguments, with respect to 35 U.S.C. 101, have been fully considered but they are not persuasive. As claimed the limitation recites an "application that composes listings for use in a network-based transaction facility...." Nowhere is the seller application provided on a concrete medium, (e.g. computer readable medium), that can execute the steps of presenting an interface. Therefore, the claims stand rejected under 35 U.S.C. 101.
5. Applicant argues that the Examiner fails to make a *prima facie* case of obviousness. Examiner notes that the references are all concerned with providing inventory information to a customer/user. For example, Odom et al. discloses providing listing information about the commodity, whereas Simpson et al. teaches users can preview the auction page that they configured before posting onto the auction list. Moreover, Heyliger teaches, "potential online

shoppers demand to both see and read about an inventory item. Without both the digital image and the text components, the online site fails.” Therefore, the “motivation-suggestion-teaching” test asks not merely what the references disclose, but whether a person of ordinary skill in the art, possessed with the understandings and knowledge reflected in the prior art, and motivated by the general problem facing the inventor, would have been led to make the combination recited in the claims. *In re Kahn* 78 USPQ2d 1329 (CAFC 2006).

6. Applicant argues (with respect to claims 1, 18, 35 and 52) that the references fail to disclose “presenting a first user interface *to receive* text inputs and *graphics selection*, the text input and *graphics selection to be included in a transaction listing*. However, Examiner notes that Heyliger teaches allowing a user running the software on a workstation to input text-based information of an item in inventory via input fields, radio buttons, drop-down boxes and similar user interface components. Further, Heyliger teaches importing (i.e. receiving) an existing digital image (0002, 0040, 0047-0048, 0051). Moreover, Heyliger teaches, “potential online shoppers demand to both see and read about an inventory item.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **18-34** are rejected under 35 U.S.C. 101 because computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional

interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See MPEP § 2106 (a). In the present case, the seller application is interpreted to be software *per se* as described within the specification since it is not embodied in a computer readable medium.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7-8, 14-17, 18, 24-25, 31-34, 35, 41-42, 48-52 are rejected under 35 U.S.C.

103(a) as being unpatentable over Odom et al. Pub. No. US2002/0046137 A1 in view of

Heyliger, Pub. No. US2002/0073111 A1 and Simpson et al. Pub. No. US2003/0083952 A1.

As per Claims 1, 18, 35 and 52, Odom et al. discloses an auction system comprising:

- presenting a first user interface to receive text inputs to be included in a transaction listing (0038).

Odom et al. fails to disclose receiving graphics selections and presenting a second preview user interface to present a preview of the transaction listing, the transaction listing to be presented at the network-based transaction facility. However, Heyliger teaches computer software system that allows a user to import a digital image and preview the auction page (0002, 0040, 0051; also see Figure 1). Moreover, Simpson et al. teaches users can preview the auction page that they configured before posting onto the auction list (0105). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing the user to upload a digital image to include into the listing as well as allowing the user to preview the auction page before posting it onto the auction list as taught by Heyliger and Simpson, respectively. The motivation for combining the references would be to allow a user to edit or modify their listing so that a potential buyer would be able to see accurate information and images of the listing in the instance that the item being listed has been changed or removed.

As per Claims 5, 22 and 39, Odom et al. fails to disclose wherein the first user interface and the second preview interface are selectable from a transaction listing description interface. However, Heyliger teaches a graphical user interface where a user can enter in descriptive information about the item and also preview the image of the item (0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include a information input interface wherein a user can enter or preview information pertaining to the item for sale as taught by Heyliger, because it provides the user with a quick and easy interface for editing item information.

As per Claims 7-8, 24-25 and 41-42, Odom et al. fails to explicitly disclose wherein the first user interface includes a design view user interface via which the text and graphics entered at the first user interface may be modified and wherein all text entered at the design view interface is displayed as it will appear to users accessing the network based transaction facility. However, Odom et al. discloses the ability for a seller to modify/remove items where the listing information is made accessible to the public when posted on the world wide web (0038-0039). Moreover, Heyliger teaches allowing a user to edit the digital image so that it is suitable for online presentation (0050). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing a user to modify text and graphics as it will appear to the public as taught by Odom et al. and Heyliger, because it would allow a user to edit or modify their listing so that a potential buyer would be able to see accurate information and images of the listing in the instance that the item being listed has been changed or removed.

As per Claims 14-15, 31-32 and 48-49, Odom et al. fails to disclose wherein the first user interface further includes selecting a photo to include in the transaction listing. Odom et al. also fails to disclose allowing the user to choose a photo from a user selectable photo hosting service. However, Heyliger teaches allowing a user to import a digital image or importing a pre-existing image located online (0002, 0040, 0051; also see Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing a user to select a digital image from a variety of

locations as taught by Heyliger, because it allows a user to display the actual item for sale so that a buyer has accurate information of the item before the completing the transaction.

As per Claims 16-17, 33-34 and 50-51, Odom et al. fails to disclose further includes presenting the first user interface and the second preview interface to a user at a client machine without interacting with the network-based transaction facility. Odom et al. also fails to disclose presenting the first user interface, the second preview interface, and the third preview interface to a user at a client machine without interacting with the network-based transaction facility. However, Heyliger teaches an editing program that allows for manipulation of information that exists as a stand-alone executable server-based application or as a combination thereof (0040, 0054-0058). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include a user editing program that me run offline as taught by Heyliger, because it allows for temporary partial input, this eliminating the loss of data entry that occurs with real-time online data entry (0019).

4. Claims 2-6, 19-23 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom et al. Pub. No. US2002/0046137 A1 in view of Heyliger, Pub. No. US2002/0073111 A1 and Simpson et al. Pub. No. US2003/0083952 A1 as applied to claims 1, 18 and 35 above, and further in view of Perkowski, Pub. No. US2003/0139975 A1.

As per **Claims 2-4, 19-21 and 36-38**, Odom et al. fails to disclose presenting a third user interface to present the transaction listing in a descriptor language, wherein the descriptor language may be modified at the third user interface, wherein the descriptor language is HTML. However, Perkowski teaches a software program which allows a user to edit HTML code when designing auction site web pages (0065, 0325-0326). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing a user to edit HTML code as taught by Perkowski, because it enables quick and easy creation of HTML-encoded documents.

As per **Claims 6, 23 and 40**, Odom et al. fails to disclose wherein the first user interface and the second preview interface are selectable from a transaction listing description interface. However, Heyliger teaches a graphical user interface where a user can enter in descriptive information about the item and also preview the image of the item (0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include a information input interface wherein a user can enter or preview information pertaining to the item for sale as taught by Heyliger, because it provides the user with a quick and easy interface for editing item information.

5. Claims **9-13, 26-30 and 43-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom et al. Pub. No. US2002/0046137 A1 in view of Heyliger, Pub. No. US2002/0073111 A1 and Simpson et al. Pub. No. US2003/0083952 A1 as applied to claims 1, 18 and 35 above, and further in view of Batham et al. Pub. No. US2002/0082953 A1.

As per Claims 9-13, 26-30 and 43-47, Odom et al. fails to disclose wherein the second preview user interface displays item specific attributes, wherein item specific attributes includes a user selectable theme, wherein the theme includes a color scheme, wherein item specific attributes includes layout, wherein layout includes providing display locations for text and graphics. However, Batham et al. teaches allowing a user to build a catalog of items for sale, wherein the user can change the color, font, size or scheme of the layout (0060). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Odom et al. and include allowing a user to modify the color, font, size and scheme of a layout as taught by Batham et al., because it provides the user with a quick and easy interface for editing item information.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit: 3628

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

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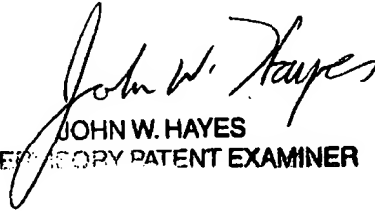
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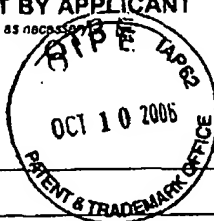
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Sheet 1 of 3

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Complete if Known

Application Number	10/252,129
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3639
Examiner Name	Jabr, Fadey

Attorney Docket No: 2043.081US1

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EXAMINER

DATE CONSIDERED

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Complete if Known	
Application Number	10/252,129
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3639
Examiner Name	Jabr, Fadey

Sheet 2 of 3

Attorney Docket No: 2043.081US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
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Examiner Initials *	Cite No *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T*
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DATE CONSIDERED

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	Application Number	10/252,129
	Filing Date	September 20, 2002
	First Named Inventor	Veres, Robert
	Group Art Unit	3639
	Examiner Name	Jabr, Fadey
Sheet 3 of 3		Attorney Docket No: 2043.081US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
FJ		BUSINESS WIRE, "Subasta.com Enters Into Strategic Partnership with From2.com", <u>Business Wire</u> , Obtained from Proquest, Document No. 43206061, (July 16, 1999), 2 pages	
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/Fadey Jabr/ (12/15/2006)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,129	09/20/2002	Robert Dean Veres	2043.081US1	4524

EXAMINER	
JABR, FADEY S	

ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
03/13/2007	PAPER

49845 7590 03/13/2007
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY
P.O. BOX 2938
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Please find below and/or attached an Office communication concerning this application or proceeding.



Schwegman Lundberg
Woessner & Kluth P.A.

MAR 16 2007

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/252,129

Applicant(s)

VERES ET AL.

Examiner

Fadey S. Jabr

Art Unit

3628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-21, 23-38 and 40-52.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The newly added claim limitations would require further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: The amended claims have not been entered due to the requirement of new consideration and/or search.

EXPEDITED PROCEDURE – EXAMINING GROUP 3625

S/N 10/252,127

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert Dean Veres et al.	Examiner:	Jason B. Dunham
Serial No.:	10/252,127	Group Art Unit:	3625
Filed:	September 20, 2002	Docket No.:	2043.083US1
Title:	METHOD AND SYSTEM FOR AUTOMATICALLY UPDATING A SELLER APPLICATION UTILIZED IN A NETWORK-BASED TRANSACTION FACILITY		

RESPONSE UNDER 37 C.F.R. 1.116

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In response to the Final Office Action mailed October 6, 2006, please consider the below claims and remarks.

IN THE CLAIMS

1. (Original) A method for automatically updating a seller application upon connecting to a network-based transaction facility, the method including:
 - receiving a request, by a seller application, to connect to the network-based transaction facility; and
 - determining whether a category update exists for a category data structure maintained by the seller application, if so,
 - downloading the category update to the seller application for each updating of a category data structure maintained by the seller application utilizing the downloaded category update.
2. (Original) The method of claim 1 further includes only downloading the category update to the seller application if automatic updating of the seller application is enabled.
3. (Original) The method of claim 1 including downloading program updates to the seller application to enable automatic updating of the seller application utilizing the downloaded program updates.
4. (Original) The method of claim 1 further including downloading a plurality of attribute updates to the seller application to enable automatic updating of the seller application with the downloaded attribute updates.
5. (Original) The method of claim 4 wherein an attribute includes a descriptive information field associated with a transaction listing.
6. (Original) The method of claim 5 wherein an attribute is associated with a transaction listing according to the transaction listing's respective category.

7. (Original) The method of claim 4 wherein a plurality of attributes may be associated with a transaction listing.
8. (Original) The method of claim 1 further includes automatically uploading user information updates from the seller application to the network-based transaction facility.
9. (Original) The method of claim 8 wherein user information includes a payment address.
10. (Original) The method of claim 1 further includes recognizing that the user has enabled support for a targeted site for which support has not yet been installed and automatically downloading support for the targeted site from the network-based transaction facility.
11. (Original) The method of claim 10 wherein support includes information necessary to configure the seller application to work the targeted site language.
12. (Original) The method of claim 10 further includes updating the seller application with the downloaded support for the targeted site.
13. (Original) The method of claim 12 wherein targeted site includes a plurality of targeted sites.
14. (Original) The method of claim 1 further includes recognizing that the user operates a store at the network-based transaction facility and automatically downloading support for the store.
15. (Original) The method of claim 14 further includes updating the seller application with the downloaded support for the store.
16. (Original) The method of claim 15 wherein a store includes a plurality of stores.

17. (Original) The method of claim 15 wherein downloading support for the store includes downloading format updates.

18. (Original) The method of claim 17 wherein format updates includes a stores format.

19. (Original) A system to automatically update a seller application upon connecting to a network based transaction facility, the system including:

a communicator module at the network-based transaction facility to receive a connection request, from a seller application, to connect to the network-based transaction facility;

an upgrade control module to determine whether a category update exists for category data structure maintained by the seller application, if so, the communicator module to download the category update to the seller application for each updating of a category data structure maintained by the seller application utilizing the downloaded category update.

20. (Original) The system of claim 19 further includes the upgrade control module to determine whether automatic updating of the seller application is enabled.

21. (Original) The system of claim 19 further includes the communicator module downloading program updates to the seller application to enable automatic updating of the seller application utilizing the downloaded program updates.

22. (Original) The system of claim 19 further includes the communicator module downloading attribute updates to the seller application to enable automatic updating the seller application with the downloaded attribute updates.

23. (Original) The system of claim 22 wherein an attribute includes a descriptive information field associated with a transaction listing.

24. (Original) The system of claim 23 wherein an attribute is associated with a transaction listing according to the transaction listing's respective category.
25. (Original) The system of claim 22 wherein a plurality of attributes may be associated with a transaction listing.
26. (Original) The system of claim 19 wherein the connection request further includes user information updates from the seller application.
27. (Original) The system of claim 26 wherein user information includes a payment address.
28. (Original) The system of claim 19 further includes the upgrade control module recognizing that the user has enabled support for a targeted site for which support has not yet been installed and automatically downloading support for the targeted site from the network-based transaction facility.
29. (Original) The system of claim 19 further includes the upgrade control module recognizing that the user operates a store at the network-based transaction facility and the communicator module automatically downloading support for the store.
30. (Original) The system of claim 29 wherein downloading support for the store includes downloading format updates.
31. (Original) The system of claim 30 wherein format updates includes a stores format.

32. (Original) A transaction application at the network-based transaction facility to provide updates to a seller application, the transaction application including:

a communicator module to receive a request, by a seller application, to connect to the network-based transaction facility; and

an upgrade control module to determine whether a category update exists for a category data structure maintained by the seller application, if so, the communicator module to download the category update to the seller application for each updating of a category data structure maintained by the seller application utilizing the downloaded category update.

33. (Original) The transaction application of claim 32 wherein the communicator module only downloads the category update to the seller application if the upgrade control module determines that automatic updating of the seller application is needed.

34. (Original) The transaction application of claim 32 includes the communicator module to download program updates to the seller application to enable automatic updating of the seller application utilizing the downloaded program updates.

35. (Original) The transaction application of claim 32 includes the communicator module to downloading attribute updates to the seller application to enable automatic updating of the seller application with the downloaded attribute updates.

36. (Original) The transaction application of claim 35 wherein an attribute includes a descriptive information field associated with a transaction listing.

37. (Original) The transaction application of claim 35 wherein an attribute is associated with a transaction listing according to the transaction listing's respective category.

38. (Original) The transaction application of claim 32 further includes the communicator module to receive user information updates uploaded from the seller application to the network-based transaction facility.

39. (Original) An updateable seller application to facilitate propagating a plurality of transaction listings to a network-based transaction facility, the updateable seller application including;

a communication module to establish a connection to a network-based transaction facility;

the communication module to receive a category update for each updating of a category data structure maintained by the seller application; and

an upgrade module to update each category data structure for which a category update has been received.

40. (Original) The updateable seller application of claim 39 wherein the upgrade module only performs updates if automatic updating of the seller application is enabled.

41. (Original) The updateable seller application of claim 39 includes the communication module to receive attribute updates to the seller application to enable automatic updating of the seller application with the downloaded attribute updates.

42. (Original) The updateable seller application of claim 39 further includes the communication module to transmit user information updates from the seller application to the network-based transaction facility.

43. (Original) A computer-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to:

receive a request, via a seller application, to connect to the network-based transaction facility;

determine whether automatic updating of the seller application is enabled, and if so,

download category updates to the seller application; and

update the seller application with the downloaded category updates.

REMARKS

This responds to the Final Office Action mailed on October 6, 2006.

Claims 1-43 are now pending in this application.

§103 Rejection of the Claims

Claims 1-10 and 12-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingman (U.S. 5,799,285; hereinafter Klingman) in view of Hammond et al. (U.S. Publication No. 2002/0082977A1; hereinafter Hammond).

Applicants respectfully submit that claims 1-10 and 12-43 should not be rejected under 35 U.S.C. § 103 for at least the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 1 includes the following limitation:

determining whether a category update exists for a category data structure maintained by the seller application, if so, downloading the category update to the seller application...

The Final Office Action contends that the above limitation is taught / suggested by the following quotes from Hammond:

[0008] In one embodiment, a system is preferably configured to collect data related to auction sales initiated by a seller in order to provide continuously updated information to the seller. The collected data may additionally include factors or characteristics of

auctions, in addition to closing price, that may be of interest to the seller, such as the total number of bids on an item. Additional analyses of these characteristics are preferably performed, and results of these analyses are also made available to the seller. In one embodiment, one or more auctions are initiated at least in part in order to gather experimental data to thereby determine additional relationships between listing options and auction outcomes.

Hammond, Paragraph 8 (first quote).

[0111] B. Method for Listing Products

[0112] FIG. 4 illustrates a method 400, in accordance with one embodiment, of selecting auction variables for listing a product so as to increase the likely auction closing price (the auction outcome).

[0113] At a step 402, the auction marketplace is determined. The marketplace can include the auction site or sites, the category, and the subcategory of the auction. In this step, auction sites can be crawled for prior and current sales of a particular product or a similar product. In one embodiment, prior sales are regarded as favorable and current sales are regarded as unfavorable.

[0114] At a step 404, the timing of the auction is determined....

[0115] At a step 406, the supply of similar or competing products is identified. In this step, the number of product listings for each auction category or subcategory can be measured. An auction with the smallest supply is preferably selected.

[0116] At a step 408, bidding activity is measured...

[0117] At a step 410, the optimal advertising placement and promotion for a product is determined to identify maximum exposure to target bidders and buyers. In this step, the effect upon the number of bids/hits of brand name listings, category versus subcategory listings, bold listings, up-front listings, top-of-page listings, and featured listings can be determined.

[0118] At a step 412, the optimal starting price and auction type is determined....

[0119] At a step 414, demand is forecast against supply to determine a best rate or supply flow at which multiple auctions should be started for the same product...

[0120] At a step 416, items are listed on auctions based at least upon the determinations of one or more of the previous steps.

Hammond, Paragraphs 111 - 120 (second quote).

Hammond describes a system that includes an auction data mining system, an auction data processing system, multiple auction web sites and an auction seller (Figure 1). Generally, the auction data mining system queries auction data from the auction web sites (Paragraph 22) based on a product of interest and provides the auction data to the auction data processing system. The auction data processing system processes the auction data and provides an analysis of the auction data and the auction data to the auction seller (Id.). The auction seller utilizes the received data to list products (Id.).

The first quote from Hammond describes the system as collecting data from auction sales that have been initiated by the seller and an analysis of the data. The system analyzes the data to identify relationships between listing options (e.g., how to best list an item for sale through an on-line auction (ABSTRACT)) and auction outcomes (e.g., auction results, such as closing bid price (ABSTRACT)).

The second quote from Hammond describes selecting auction variables to list a product on an auction web site. The auction variables are selected so as to increase the likely auction closing price of the product. Specifically, the second quote describes determining an auction category and auction subcategory in which to list the product (Paragraphs 113, 115) and optimal advertising placement for a product (Paragraph 117), the effect upon the category versus subcategory listings determined.

Claim 1 of the present application requires determining whether a category update exists for a category data structure maintained by a seller application and, if so, downloading the category update to the seller application. In contrast to the limitations of claim 1, the above two quotes from Hammond do not describe any such determination, much less downloading a category update for a data structure responsive to the described determination. For example, the first quote from Hammond describes a system as collecting data from auction sales and does not describe making a determination whether a category update for a category data structure exists. To be sure, the first quote fails to describe a category data structure, much less a category update for the category data structure, much less downloading a category update for the category data structure to a seller application that maintains the category data structure.

The second quote describes selecting auction variables and using the auction variables to list products on an auction web site and to place an advertisement for a product on the auction web site. In contrast, the limitations of claim 1 require determining whether a category update exists for a category data structure maintained by a seller application. Clearly, selecting a category in which to list a product on an auction web site or determining the optimal placement of an advertisement on an auction web site (Hammond, Paragraphs 113, 115) is not the same as determining whether a category update exists for a category data structure. Hammond simply does not teach or suggest determining whether a category update for a category data structure that is maintained by a seller application and, if such a category update exists, downloading the category update to the seller application.

Indeed, Hammond may be said to describe an auction web site that receives a listing of a product in a category or an advertisement for a product in a category but not a download of a category update for a category data structure maintained by a seller application. Hammond therefore simply cannot be said to teach or suggest the above quoted limitations of claim 1 .

Klingman describes providing secure communications using means that are available on most telephone equipment, either plain old telephone system or Integrated Services Digital Network, for electronically supplying products to a distributor for sale in the open market. Klingman fails to teach or suggest determining whether a category update exists for a category data structure maintained by the seller application and downloading the category update to the seller application responsive to determining the category update exists.

The above remarks are also applicable to a consideration of independent claims 19, 32, 39 and 43.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2-10, 12-18, 20-31, 33-38 and 40-42 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Klingman in combination with Hammond does not teach or suggest each and every limitation of claims 1, 19, 32, 39 and 43 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/252,127

Filing Date: September 20, 2002

Title: METHOD AND SYSTEM FOR AUTOMATICALLY UPDATING A SELLER APPLICATION UTILIZED IN A NETWORK-BASED TRANSACTION FACILITY

Page 13

Dkt: 2043.083US1

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingman and Hammond et al. in view of Rackson et al. (U.S. 6,415,270). Claim 11 depends on independent claim 1 therefore the above remarks are also applicable to claim 11.

RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/252,127

Filing Date: September 20, 2002

Title: METHOD AND SYSTEM FOR AUTOMATICALLY UPDATING A SELLER APPLICATION UTILIZED IN A NETWORK-BASED TRANSACTION FACILITY

Page 14

Dkt: 2043.083US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

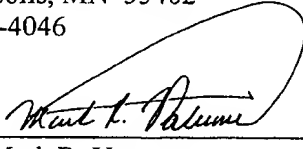
Respectfully submitted,

ROBERT DEAN VERES ET AL.

By their Representatives,

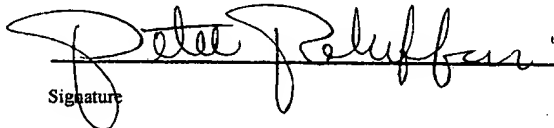
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4046

Date December 6, 2006

By / 
Mark R. Vatuone
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 6 day of December 2006.

Peter Rebuffoni
Name


Signature

S/N 10/252,127

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert Dean Veres et al.	Examiner:	Jason B. Dunham
Serial No.:	10/252,127	Group Art Unit:	3625
Filed:	September 20, 2002	Docket No.:	2043.083US1
Title:	METHOD AND SYSTEM FOR AUTOMATICALLY UPDATING A SELLER APPLICATION UTILIZED IN A NETWORK-BASED TRANSACTION FACILITY		

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Office Action mailed on March 21, 2006. Please amend the above-identified patent application as follows.

REMARKS

This responds to the Office Action mailed on March 21, 2006, and the references cited therewith.

Claims 1-43 are now pending in this application.

§103 Rejection of the Claims

Claims 1-10 and 12-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingman (U.S. 5,799,285; hereinafter Klingman) in view of Hammond et al. (U.S. Publication No. 2002/0082977A1; hereinafter Hammond).

Applicants respectfully submit that claims 1-10 and 12-43 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 1 includes the following limitation:

determining whether a category update exists for a category data structure maintained by the seller application, if so, downloading the category update to the seller application...

The Office Action, in rejecting claim 1, contends that the above limitation is taught/suggested by the following quotes from Hammond:

[0008] In one embodiment, a system is preferably configured to collect data related to auction sales initiated by a seller in order to provide continuously updated information to the seller. The collected data may additionally include factors or characteristics of

auctions, in addition to closing price, that may be of interest to the seller, such as the total number of bids on an item. Additional analyses of these characteristics are preferably performed, and results of these analyses are also made available to the seller. In one embodiment, one or more auctions are initiated at least in part in order to gather experimental data to thereby determine additional relationships between listing options and auction outcomes.

Hammond, Paragraph 8 (first quote).

[0111] B. Method for Listing Products

[0112] FIG. 4 illustrates a method 400, in accordance with one embodiment, of selecting auction variables for listing a product so as to increase the likely auction closing price (the auction outcome).

[0113] At a step 402, the auction marketplace is determined. The marketplace can include the auction site or sites, the category, and the subcategory of the auction. In this step, auction sites can be crawled for prior and current sales of a particular product or a similar product. In one embodiment, prior sales are regarded as favorable and current sales are regarded as unfavorable.

[0114] At a step 404, the timing of the auction is determined....

[0115] At a step 406, the supply of similar or competing products is identified....

[0116] At a step 408, bidding activity is measured...

[0117] At a step 410, the optimal advertising placement and promotion for a product is determined to identify maximum exposure to target bidders and buyers...

[0118] At a step 412, the optimal starting price and auction type is determined....

[0119] At a step 414, demand is forecast against supply to determine a best rate or supply flow at which multiple auctions should be started for the same product...

[0120] At a step 416, items are listed on auctions based at least upon the determinations of one or more of the previous steps.

Hammond, Paragraphs 111- 120 (second quote).

Hammond describes a system that includes an auction data mining system, an auction data processing system, multiple auction web sites and an auction seller (Figure 1). Generally, the auction data mining system queries auction data from the auction web sites (Paragraph 22) based on a product of interest and provides the auction data to the auction data processing system. The auction data processing system processes the auction data and provides an analysis of the auction data and the auction data to the auction seller (Id.). The auction seller utilizes the received data to list products (Id.). The above first quote from Hammond describes the system as collecting data from auction sales that have been initiated by the seller. Further, the first quote describes an

analysis of the data to identify relationships between listing options and auction outcomes and describes the data as experimental. The second quote describes selecting auction variables to list a product. The auction variables are selected to increase the auction closing price. Of particular interest is the determination of an auction marketplace auction variable (Paragraph 113) that is described as including an auction category and an auction subcategory.

Claim 1 requires determining whether a category update exists for a category data structure maintained by a seller application, if so, downloading the category update to the seller application. In contrast to the limitations of claim 1, the above two quotes from Hammond do not describe any such determination much less downloading a category update responsive to the described determination. For example, the first quote from Hammond describes a system as collecting data from auction sales and does not describe making a determination whether a category update exists. To be sure, the first quote fails to describe a “category” a “category update” or a “data structure.” The second quote also fails to describe the determination required by claim 1. Indeed, the step 402 mentions categories and subcategories; however, nowhere does step 402 describe determining whether a category update exists for a category data structure maintained by a seller application, much less downloading the category update to the seller application if the category update exists.

Hammond as a whole simply does not address the problem solved by the present application. For example, Hammond describes collecting, from on-line auctions, categories and subcategories in which a product is listed (Hammond, paragraphs 30, 34) but nowhere does Hammond describe determining whether a category update exists for a category data structure maintained by a seller application and downloading the category update to the seller application if the category update exists. Further, Hammond cannot address the advantages of the quoted limitations of claim 1 because Hammond describes using *known* techniques such as crawling auction web sites and utilizing the search utilities of the auction web sites (Hammond, paragraph 99) neither of which provide the advantage afforded by downloading the category update to the seller application if the category update exists. Hammond therefore cannot be said to teach or suggest the above quoted limitations of claim 1 because the above two quotes from Hammond fail to teach or suggest determining whether a category update exists for a category data structure

maintained by the seller application and downloading the category update to the seller application responsive to determining the category update exists.

Klingman describes providing secure communications using means that are available on most telephone equipment, either plain old telephone system or Integrated Services Digital Network, for electronically supplying products to a distributor for sale in the open market. Klingman fails to teach or suggest determining whether a category update exists for a category data structure maintained by the seller application and downloading the category update to the seller application responsive to determining the category update exists.

The above remarks are also applicable to a consideration of independent claims 19, 32, 39 and 43.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2-18, 20-31, 33-38 and 40-42 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Klingman in combination with Hammond does not teach or suggest each and every limitation of claims 19, 32, 39 and 43 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingman and Hammond et al. in view of Rackson et al. (U.S. 6,415,270).

Claim 11 depends on independent claim 2 therefore the above remarks are also applicable to claim 11.

Documents Cited but Not Relied upon for this Office

Applicants need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action since these references are not made part of the rejections in this Office Action. Applicants are expressly not admitting to this assertion and reserve the right to address the assertion should it form part of future rejections.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ROBERT DEAN VERES ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4046

Date

6/21/2006

By

Mark R. Vatuone

Mark R. Vatuone

Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21 day of June, 2006..

Name

Peter Rebuffoni

Signature

Peter Rebuffoni

S/N 10/252,127

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert D. Veres et al.	Examiner:	Jason B. Dunham
Serial No.:	10/252,127	Group Art Unit:	3625
Filed:	September 20, 2002	Docket:	2043.083US1
Title:	METHOD AND SYSTEM FOR AUTOMATICALLY UPDATING A SELLER APPLICATION UTILIZED IN A NETWORK-BASED TRANSACTION FACILITY		

COMMUNICATION CONCERNING RELATED APPLICATION(S)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants would like to bring to the Examiner's attention the following related application(s) in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date/Issue Date</u>	<u>Attorney Docket</u>	<u>Title</u>
09/602,110	June 21, 2000	2043.020US1	METHOD AND SYSTEM FOR DEFINING AND UPLOADING MULTIPLE TRANSACTION DESCRIPTIONS FROM A CLIENT TO A NETWORK-BASED TRANSACTION FACILITY
09/905,525	July 13, 2001	2043.130US1	METHOD AND SYSTEM FOR LISTING ITEMS GLOBALLY AND REGIONALLY, AND CUSTOMIZED LISTING ACCORDING TO CURRENCY OR SHIPPING AREA
09/976,301	October 11, 2001	2043.053US1	SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK
10/252,126	September 20, 2002	2043.079US1	METHOD AND SYSTEM FOR SCHEDULING TRANSACTION LISTINGS AT A NETWORK-BASED TRANSACTION FACILITY
10/252,128	September 20, 2002	2043.080US1	METHOD AND SYSTEM FOR CUSTOMIZING A NETWORK-BASED TRANSACTION FACILITY SELLER APPLICATION

COMMUNICATION CONCERNING RELATED APPLICATIONS

Serial Number: 10/252,127

Filing Date: September 20, 2002

Title: METHOD AND SYSTEM FOR AUTOMATICALLY UPDATING A SELLER APPLICATION UTILIZED IN A NETWORK-BASED TRANSACTION FACILITY

Page 2

Dkt: 2043.083US1

10/252,129

September 20, 2002

2043.081US1

METHOD AND SYSTEM FOR
COMPOSING TRANSACTION LISTING
DESCRIPTIONS FOR USE IN A
NETWORK-BASED TRANSACTION
FACILITY

Continuations and divisionals may be later filed on the cases listed above, or cited to the Examiner in any previous Communication Concerning Related Applications. Applicants request that the Examiner review all continuations and divisionals of the above-listed or previously-cited patent applications before allowing the claims of the present patent application.

Respectfully submitted,

ROBERT D. VERES ET AL.

By Applicants' Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

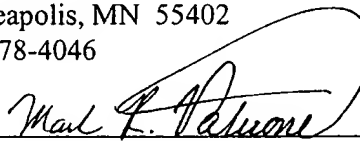
Minneapolis, MN 55402

408-278-4046

Date

6/21/2006

By



Mark R. Vatuone

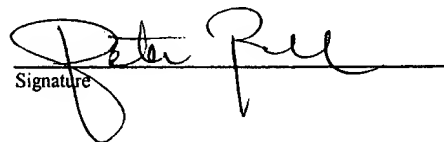
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21 day of June, 2006.

Name

Peter Rebuffini

Signature





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,127	09/20/2002	Robert Dean Veres	2043.083US1	4526
49845 7590 07/11/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER DUNHAM, JASON B	
			ART UNIT 3625	PAPER NUMBER
			NOTIFICATION DATE 07/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWK.COM

Office Action Summary	Application No. 10/252,127	Applicant(s) VERES ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/10/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 10, 2007 has been entered. Applicant amended claims 1,7,10,11,19,20-22,28,29,31,32,34,35,38,39,41,42, and 43 and added claim 44. Claims 1-44 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 & 12-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. Patent No. 5,799,285) in view of Pepin (US 2002/0042835).

Referring to claim 1. Klingman discloses a method for automatically updating a seller application upon connecting to a network based transaction facility, the method including:

- Receiving a request, by a seller application, to connect to a network based transaction facility (Klingman: abstract);
- Klingman discloses the above but does not expressly disclose determining whether a category update exists and downloading the category update to the seller application. Pepin discloses a method including:
 - Determining whether a category update exists for a category data structure maintained by the seller application (Pepin: abstract, figure 3, and paragraphs 94 and 114); and if so
 - Downloading the category update to the seller application for each updating of a category data structure maintained by the seller application utilizing the downloaded category update, the downloading of the category updated including downloading a changed category data structure to the seller application for updating of the category data structure maintained by the seller application (Pepin: abstract, figure 3, and paragraphs 94 and 114).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Klingman to have included determining whether a category update exists and downloading the category update to the seller application, as taught by Pepin, in order to ensure the seller's category correspond to the appropriate marketplace (Pepin: paragraph 94).

Referring to claim 2. Klingman discloses the above but does not expressly disclose only downloading the category update to the seller application if automatic

updating of the seller application is enabled. Pepin discloses a method including downloading the category update to the seller application if automatic updating of the seller application is enabled (Pepin: paragraph 114). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Klingman to have included downloading the category update to the seller application if automatic updating of the seller application is enabled, as taught by Pepin, in order to ensure a seller's items have the correct, updated categories (Pepin: paragraph 114)

Referring to claim 3. The combination of Klingman and Pepin further discloses a method including downloading program updates to the seller application to enable automatic updating of the seller application utilizing the downloaded program updates (Klingman: column 8, lines 40-54 & column 15, line 60 – column 16, line 21).

Referring to claim 4. The combination of Klingman and Pepin further discloses a method including downloading a plurality of attribute updates to the seller application to enable automatic updating of the seller application with the downloaded attribute updates (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 5. The combination of Klingman and Pepin further discloses a method wherein an attribute includes a descriptive information field associated with a transaction listing (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 6. The combination of Klingman and Pepin further discloses a method wherein an attribute is associated with a transaction listing according to the

transaction listing's respective category (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 7. The combination of Klingman and Pepin further discloses a method wherein a plurality of attributes are associated with a transaction listing (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 8. The combination of Klingman and Pepin further discloses a method including automatically uploading user information updates from the seller application to the network based transaction facility (Klingman: column 8, line 40 – column 9, line 7).

Referring to claim 9. The combination of Klingman and Pepin further discloses a method wherein user information includes a payment address (Klingman: column 7, lines 32-40 & column 8, lines 6-39).

Referring to claim 10. The combination of Klingman and Pepin further discloses a method including recognizing that the user has enabled support for a targeted site for which support has not yet been installed and automatically downloading the support for the targeted site from the network based transaction facility (Klingman: column 17, lines 5-20).

Referring to claim 12. The combination of Klingman and Pepin further discloses a method including updating the seller application with the downloaded support for the target site (Klingman: column 17, lines 5-20).

Referring to claim 13. The combination of Klingman and Pepin further discloses a method wherein the targeted site includes a plurality of targeted sites (Klingman:

figure 1). The examiner notes that Klingman disclose a seller setting up a web site for different types of products and it would have been obvious to one of ordinary skill in the art to have set up multiple web sites for different products.

Referring to claims 14-18. Claims 14-18 are rejected under the same rationale set forth above in the arguments to claims 10 & 12-13. Klingman discloses a method wherein a seller operates a web site, or store, separate from the distributor's web pages.

Referring to claims 19-31. Claims 19-31 are rejected under the same rationale set forth above. The combination of Klingman and Pepin discloses a system capable of performing the methods as noted above.

Referring to claims 32-38. Claims 32-38 are rejected under the same rationale set forth above. The combination of Klingman and Pepin discloses a transaction application capable of performing the methods as noted above.

Referring to claims 39-42. Claims 32-38 are rejected under the same rationale set forth above. The combination of Klingman and Pepin discloses a seller application capable of performing the methods as noted above.

Referring to claim 43. Claim 43 is rejected under the same rationale set forth above. The combination of Klingman and Pepin discloses a computer readable medium capable of performing the methods as noted above.

Referring to claim 44. The combination of Klingman and Pepin further discloses a method wherein the determining includes comparing an available version of data elements including at least one category and an installed version of data elements

including at least one category (Pepin: paragraph 114). The motivation to combine Klingman and Pepin would be the same as noted above in the rejection of claim 1.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Klingman and Pepin in view of Rackson (U.S. Patent 6,415,270).

Referring to claim 11. The combination of Klingman and Pepin teaches all of the above but does not expressly disclose a method wherein support includes information necessary to configure the seller application to work the targeted site language. Rackson teaches a method for automatically updating a seller application upon connecting to a network based transaction facility, wherein the downloaded support includes information necessary to configure the seller application to work the targeted site language (Rackson: column 15, lines 23-52). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of the combination of Klingman and Pepin wherein the downloaded support includes information necessary to configure the seller application to work the targeted site language, as taught by Rackson, in order to allow bidders to participate from many countries (Rackson: column 15, lines 23-52).

Response to Arguments

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogesh Garg can be reached on 571-272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

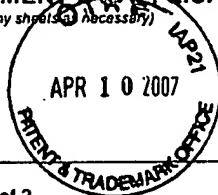
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NAEEM HAQ
PRIMARY EXAMINER

JBD
Patent Examiner
6/25/07



Substitute for form 1449A/PTO
**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**
 (Use as many sheets as necessary)



Sheet 1 of 2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known	
Application Number	10/252,127
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Dunham, Jason

Attorney Docket No: 2043.083US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
jbd	US-2002/0046137A1	04/18/2002	Odom, J. M., et al.	12/07/2001
	US-2002/0073111A1	06/13/2002	Heyliger, D. K.	06/27/2001
	US-2002/0082953A1	06/27/2002	Batham, P., et al.	01/31/2002
	US-2003/0083952A1	05/01/2003	Simpson, S. S., et al.	10/29/2001
	US-2003/0110047A1	06/12/2003	Santosuoso, J. M., et al.	12/11/2001
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	US-2005/0102151A1	05/12/2005	Fuwa, T., et al.	06/05/2003
	US-5,846,265	12/08/1998	McGregor, R., et al.	07/26/1996
	US-7,076,453	07/11/2006	Jammes, P. J., et al.	06/04/2002

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Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
jbd	JP-04-094643	03/25/2004	Hirotsu, Y.	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
jbd		eBay:Internet Archive Wayback Machine, www.archive.org; www.ebay.com; 07, 12, (October 1999), 8 pgs.	
		"New eBay-like auction software released", <u>Business Wire</u> , Business Editors/High-Tech Writers; Business Wire; New York, (Mar. 17, 1999), 2 pp.	
		"Subasta.com, the Premier Online Auction Board for Latin America, Spain, and the Hispanic Sector of the U.S., has Attracted Over 60,000 Viewers in Less than Two Months!", <u>Business Wire</u> , Proquest # 43203028, (16 July 1999), 3pgs.	
		"Yahoo Homepage", <u>Internet Archive Wayback Machine</u> , http://web.archive.org/web/19991003015603/http://www.yahoo.com/index.html, (Oct. 3, 1999), 1 p.	
		"Yahoo! - Regional: Countries: Afghanistan", http://web.archive.org/web/20060921181441/http://dir.yahoo.com/Regional/count ries/afghanistan, (June 16, 1997),	
		"Yahoo! - Regional: Countries: Sweden", http://web.archive.org/web/19970616194441/www.yahoo.com/Regional/Countrie s/Sweden/, (June 16, 1997),	
		TAPSCOTT, D., "eBay endaggers traditional papers auctioneer can pack far more punch in your sales pitch", <u>National Post</u> , Proquest# 54945579, (09 October 1999), 3 pgs.	

EXAMINER

DATE CONSIDERED

6/25/07

Substitute Disclosure Statement Form (PTO-1449)

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/252,127
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Dunham, Jason

Sheet 2 of 2

Attorney Docket No: 2043.083US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T‡
Jbd		WILSON, D., "Going...Going...Gone! Bargain-hunters and collectors can scour auctions from home via the internet", <u>The Gazette</u> , Proquest #4116732, (27 April 1999), 4 pgs.	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional). ‡ Applicant is to place a check mark here if English language Translation is attached.

Notice of References Cited	Application/Control No. 10/252,127	Applicant(s)/Patent Under Reexamination VERES ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,799,285 A	08-1998	Klingman, Edwin E.	705/26
*	B	US-2002/0042835 A1	04-2002	Pepin et al.	707/101
*	C	US-6,415,270 B1	07-2002	Rackson et al.	705/36R
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,127	09/20/2002	Robert Dean Veres	2043.083US1	4526
21186	7590	03/21/2006		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402			EXAMINER DUNHAM, JASON B	
T_SLW09211			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 03/21/2006

EBY00038

Please find below and/or attached an Office communication concerning this application or proceeding.

PORTFOLIO IP
MAR 27 2006
RECEIVED

Office Action Summary	Application No.	Applicant(s)	
	10/252,127	VERES ET AL.	
	Examiner	Art Unit	
	Jason B. Dunham	3625	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>See Action</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The Information Disclosure Statements received on 9/20/02, 12/27/02, 2/5/04, 4/23/04, 4/27/04, 7/2/04, 7/6/04, 7/8/04, and 7/12/04 have been considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 & 12-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. Patent No. 5,799,285) in view of Hammond (U.S. Patent Application No. 2002/0082977).

Referring to claim 1. Klingman discloses a method for automatically updating a seller application upon connecting to a network based transaction facility, the method including:

- Receiving a request, by a seller application, to connect to a network based transaction facility (Klingman: abstract);
- Klingman discloses the above but does not expressly disclose determining whether a category update exists and downloading the category update to the seller application. Hammond discloses a method including:

- Determining whether a category update exists for a category data structure maintained by the seller application (Hammond: paragraphs 8 & 113-120).
- Downloading the category update to the seller application for each updating of a category data structure maintained by the seller application utilizing the downloaded category update (Hammond: paragraphs 8 & 113-120).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Klingman to have included determining whether a category update exists and downloading the category update to the seller application, as taught by Hammond, in order to tailor the seller's auction listing to produce the best results (Hammond: abstract).

Referring to claim 2. Klingman discloses the above but does not expressly disclose only downloading the category update to the seller application if automatic updating of the seller application is enabled. Hammond discloses a method including downloading the category update to the seller application if automatic updating of the seller application is enabled (Hammond: paragraph 127). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Klingman to have included downloading the category update to the seller application if automatic updating of the seller application is enabled, as taught by Hammond, in order to tailor the seller's auction listing to produce the best results (Hammond: abstract).

Referring to claim 3. Klingman further discloses a method including downloading program updates to the seller application to enable automatic updating of the seller application utilizing the downloaded program updates (Klingman: column 8, lines 40-54 & column 15, line 60 – column 16, line 21).

Referring to claim 4. Klingman further discloses a method including downloading a plurality of attribute updates to the seller application to enable automatic updating of the seller application with the downloaded attribute updates (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 5. Klingman further discloses a method wherein an attribute includes a descriptive information field associated with a transaction listing (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 6. Klingman further discloses a method wherein an attribute is associated with a transaction listing according to the transaction listing's respective category (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 7. Klingman further discloses a method wherein a plurality of attributes may be associated with a transaction listing (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 8. Klingman further discloses a method including automatically uploading user information updates from the seller application to the network based transaction facility (Klingman: column 8, line 40 – column 9, line 7).

Art Unit: 3625

Referring to claim 9. Klingman further discloses a method wherein user information includes a payment address (Klingman: column 7, lines 32-40 & column 8, lines 6-39).

Referring to claim 10. Klingman further discloses a method including recognizing that the user has enabled support for a targeted site for which support has not yet been installed and automatically downloading support for the targeted site from the network based transaction facility (Klingman: column 17, lines 5-20).

Referring to claim 12. Klingman further discloses a method including updating the seller application with the downloaded support for the target site (Klingman: column 17, lines 5-20).

Referring to claim 13. Klingman further discloses a method wherein the targeted site includes a plurality of targeted sites (Klingman: figure 1). The examiner notes that Klingman disclose a seller setting up a web site for different types of products and it would have been obvious to one of ordinary skill in the art to have set up multiple web sites for different products.

Referring to claims 14-18. Claims 14-18 are rejected under the same rationale set forth above in the arguments to claims 10 & 12-13. Klingman discloses a method wherein a seller operates a web site, or store, separate from the distributor's web pages.

Referring to claims 19-31. Claims 19-31 are rejected under the same rationale set forth above. The combination of Klingman and Hammond discloses a system capable of performing the methods as noted above.

Referring to claims 32-38. Claims 32-38 are rejected under the same rationale set forth above. The combination of Klingman and Hammond discloses a transaction application capable of performing the methods as noted above.

Referring to claims 39-42. Claims 32-38 are rejected under the same rationale set forth above. The combination of Klingman and Hammond discloses a seller application capable of performing the methods as noted above.

Referring to claim 43. Claim 43 is rejected under the same rationale set forth above. The combination of Klingman and Hammond discloses a computer readable medium capable of performing the methods as noted above.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Klingman (U.S. Patent No. 5,799,285) and Hammond (U.S. Patent Application No. 2002/0082977) in view of Rackson (U.S. Patent 6,415,270).

Referring to claim 11. The combination of Klingman and Hammond teaches all of the above but does not expressly disclose a method wherein support includes information necessary to configure the seller application to work the targeted site language. Rackson teaches a method for automatically updating a seller application upon connecting to a network based transaction facility, wherein support includes information necessary to configure the seller application to work the targeted site language (Rackson: column 15, lines 23-52). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of the combination of Klingman and Hammond wherein support includes information

Art Unit: 3625

necessary to configure the seller application to work the targeted site language, as taught by Rackson, in order to allow bidders to participate from many countries (Rackson: column 15, lines 23-52).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Aoki (U.S. Patent Application Publication No. 2001/0039531) discloses a system and method for providing an auction service via a communication network.
- Odom (U.S. Patent No. 6,058,379) discloses a system and method for a real time network exchange with seller specified exchange parameters.
- Bruce (U.S. Patent Application Publication No. 2002/0099562) discloses a system and method for providing data exchange between an aggregate transaction engine and multiple sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Pond can be reached on 571-272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JBD
Patent Examiner
3/15/06

LPS
7/12/04

PTO/SB/04/1041
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Use as many sheets as necessary)

JUL 12 2004
PATENT & TRADEMARK OFFICE

Complete if Known	
Application Number	10/252,127
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Unknown

Sheet 1 of 1

Attorney Docket No: 3801P083

US PATENT DOCUMENTS						
Examiner Initials*	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date if Appropriate

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T*
jbd	WO-0182115	11/01/2001	Wang, Bill H.			

OTHER DOCUMENTS - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published.	T*
jbd		"International Search Report", PCT/US02/04692, (2/11/02).	
		"International Search Report", PCT/US99/18510, (8/12/99).	
		"International Search Report", PCT/US01/12398, (4/16/01).	
		"International Search Report", PCT/US01/04811, (2/14/01).	
		"International Search Report", PCT/US99/29312, (12/8/99).	
		"International Search Report", PCT/US00/32088, (11/20/00).	
		"International Search Report", PCT/US01/02584, (1/26/01).	
		"Mediapraise", Mediapraise receives national award for web-based technology that enables companies to solve their HR problem. Business Editors, (12/14/98).	
		MERRILL, KEVIN, "GE Capital to Extend Integrator Buying Spree", Computer Resell News, http://www.crn.com, (7/8/96), p 31-32	

EXAMINER

[Signature]

DATE CONSIDERED

3/14/06

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EOS 7/8/04

ELECTRONIC INFORMATION DISCLOSURE STATEMENTElectronic Version v18
Stylesheet Version v18.0Title of
Invention**METHOD AND SYSTEM FOR AUTOMATICALLY
UPDATING A SELLER APPLICATION UTILIZED IN A
NETWORK-BASED TRANSACTION FACILITY**Application Number: 10/252127
Confirmation Number: 4526
First Named Applicant: Robert Veres
Attorney Docket Number: 3801P083
Art Unit: 3625
Examiner: Unknown
Search string: (6266651).pn.**RECEIVED**

JUL 14 2004

GROUP 3600**US Patent Documents**

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

Init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
2	1	6266651	2001-07-24	Woolston, Thomas G.			

Remarks

Note: Remarks are not for responding to an office action.

Applicants, in accordance with their duty of disclosure under 37 CFR 1.56 and in accordance with 37 CFR 1.97(c)(2), hereby submit this Electronic Information Disclosure Statement citing U.S. Patent documents for consideration by the Examiner. Pursuant to 37 CFR 1.97, the submission of this Electronic Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability. This Electronic Information Disclosure Statement is being filed after the mailing of a first office action and before the mailing of a final office action, notice of allowance, or an action otherwise closing prosecution. Pursuant to 37 CFR 1.97(c)(2), the fee set forth in 37 CFR 1.17(p) of \$180.00 is due for the filing of this Electronic Information Disclosure Statement. Please charge this fee and any other fee that may be due to Deposit Account 02-2666. Applicants respectfully request that the cited documents be considered and that the form be initialed by the Examiner to

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Examiner Name	Date
<i>John J. Hara</i>	3/15/06

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7/6/04

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Substitute for Form 1449A-PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Complete if Known	
Application Number	10/252,127
Filing Date	September 20, 2002
First Named Inventor	Vercs, Robert
Group Art Unit	3625
Examiner Name	Unknown
Attorney Docket No: 3801P083	
JUL 13 2004	

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Sheet 1 of 1

GROUP 3600

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Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	r ²
jbd	WO-0058862	10/05/2000	Kinney, Sam E., et al.			
jbd	WO-03038560	05/08/2003	Kotas, Paul, et al.		A3	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
jbd		"International Search Report", PCT/US00/17136, (6/21/00).	
		"International Search Report", PCT/US01/23854, (7/24/01).	
		"Subasta.com Enters Into Strategic Partnership With From2.com", Business Wire, 06242815 Dialog File 20: see page 1., (7/16/99).	
		"Subasta.com The Premier Online Auction Board for Latin America, Spain, and the Hispanic Sector of the U.S., Has Attracted Over 60,000 Viewers in Less Than Two Months!", Business Wire, 06240372 Dialog File 20: see all pages., (7/16/99).	
		"United Technologies: UTC's Carrier Corp. Teams With FreeMarkets to Create Largest Asian-based B2B Online Auction Market to Date; UTC Division Identifies Average Annual Savings of More Than 16 Percent on Electric Motors Through FreeMarkets B2B Marketplace", M2 Presswire, 10190474 Dialog File 20: see all pages., (3/22/00).	
		"Yahoo! Auctions Celebrates One-Year Anniversary; As Online Auction Usage Continues to Grow, Yahoo! is Quickly Becoming The World Marketplace of the New Millennium.", Business Wire, 07211889 Dialog File 20: see all pages., (9/14/99).	
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		RECK, MARTIN, "Formally Specifying and Automated Trade Execution System", Journal of Systems and Software, Vol. 21., (1993)245-252	

EXAMINER

[Signature]

DATE CONSIDERED

3/15/06

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ELECTRONIC INFORMATION DISCLOSURE STATEMENT

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Title of Invention	METHOD AND SYSTEM FOR AUTOMATICALLY UPDATING A SELLER APPLICATION UTILIZED IN A NETWORK-BASED TRANSACTION FACILITY																																
<p>Application Number: 10/252127</p> <p>Confirmation Number: 4526</p> <p>First Named Applicant: Robert Veres</p> <p>Attorney Docket Number: 3801P083</p> <p>Art Unit: 3625</p> <p>Examiner: Unknown Unknown</p> <p>Search string: (5974412 or 6035288 or 6266652).pn.</p> <p>US Patent Documents</p> <p>Note: Applicant is not required to submit a paper copy of cited US Patent Documents</p> <table border="1"><thead><tr><th>Init</th><th>Cite.No.</th><th>Patent No.</th><th>Date</th><th>Patentee</th><th>Kind</th><th>Class</th><th>Subclass</th></tr></thead><tbody><tr><td><input checked="" type="checkbox"/></td><td>1</td><td>5974412</td><td>1999-10-26</td><td>Hazelhurst, Brian L., et al.</td><td></td><td></td><td></td></tr><tr><td><input checked="" type="checkbox"/></td><td>2</td><td>6035288</td><td>2000-03-07</td><td>Solomon,</td><td></td><td></td><td></td></tr><tr><td><input checked="" type="checkbox"/></td><td>3</td><td>6266652</td><td>2001-07-24</td><td>Godin, Paul B., et al.</td><td></td><td></td><td></td></tr></tbody></table> <p>Remarks</p> <p>Note: Remarks are not for responding to an office action.</p> <p>Applicants, in accordance with their duty of disclosure under 37 CFR 1.56 and in accordance with 37 CFR 1.97(c)(2), hereby submit this Electronic Information Disclosure Statement citing U.S. Patent documents for consideration by the Examiner. Pursuant to 37 CFR 1.97, the submission of this Electronic Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability. This Electronic Information Disclosure Statement is being filed after the mailing of a first office action and before the mailing of a final office action, notice of allowance, or an action otherwise closing prosecution. Pursuant to 37 CFR 1.97(c)(2), the fee set forth in 37 CFR 1.17(p) of \$180.00 is due for the filing of this</p>		Init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass	<input checked="" type="checkbox"/>	1	5974412	1999-10-26	Hazelhurst, Brian L., et al.				<input checked="" type="checkbox"/>	2	6035288	2000-03-07	Solomon,				<input checked="" type="checkbox"/>	3	6266652	2001-07-24	Godin, Paul B., et al.			
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ELECTRONIC INFORMATION DISCLOSURE STATEMENT

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Title of
 Invention

METHOD AND SYSTEM FOR AUTOMATICALLY
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Application Number: 10/252127
 Confirmation Number: 4526
 First Named Applicant: Robert Veres
 Attorney Docket Number: 3801P083
 Art Unit: 3625
 Examiner: Unknown Unknown
 Search string: (20030018885 or 5799285 or 5909544 or
 5944790 or 6574239),pn.



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US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
1	1	20030018885	2003-01-02	Landsman, Rick W., et al.			
2	2	5799285	1998-08-25	Klingman, Edwin E.			
3	3	5909544	1999-06-01	Anderson, Michell M., et al.		395	200.38
4	4	5944790	1999-08-31	Levy, Daniel R.			
5	5	6574239	2003-06-03	Dowling, Eric M., et al.		370	469


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PTO/USPOA(10-01)

Complete if Known

Application Number	10/252127
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Unknown

Sheet 1 of 1

Attorney Docket No: 3801.P083

US PATENT DOCUMENTS						
Examiner Initials*	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date if Appropriate
Jbd	US-5,724,524	03/03/1998	Hunt, William M., et al.			12/15/1995
	US-6,058,379	05/02/2000	Odom, James M., et al.			07/11/1997
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	US-6,598,026	07/22/2003	Ojha, Purnendu S., et al.			05/25/1999

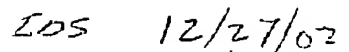
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T ²
Jbd	WO-03/038560	05/08/2003	Kolas, Paul, et al.	A2		

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
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Jbd		"International Search Report", PCT/US03/17915, (11/26/2003),	

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			Application Number		
			Filing Date	Herewith	
			First Named Inventor		
			Group Art Unit	Not Yet Assigned	
Examiner Name	Not Yet Assigned				
Attorney Docket Number	003801.P083				
Sheet	1	of	8		

10/25/127
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U.S. PATENT DOCUMENTS				
Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
Jbd	3,581,072	Nymayer	5/25/1971	3/28/1968
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	4,412,287	Braddock, III	10/25/1983	9/15/1982
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	4,903,201	Wagner	2/20/1990	11/3/1983
	5,063,507	Lindsey, et al.	11/5/1991	9/14/1990
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			
Jbd	PCT	WO 92/15174	2/25/1992	Beaumont-Maxin International	9/3/1992	
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	PCT	WO 97/37315	3/19/1997	Onsale, Inc.	10/9/1997	

OTHER DOCUMENTS		
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
Jbd	MALONE, T.W.; YATES, J; et al., "Electronic Markets and Electronic Hierarchies", <u>Communications - of the ACM</u> , June 1987, Pages 484-497, Vol. 30, No. 6.	
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✓	NEO, B.S., "The implementation of an electronic market for pig trading in Singapore", <u>Journal of Strategic Information Systems</u> , December 1992, pages 278-288, Vol 1	

Examiner Signature	Date Considered	3/15/06
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			Application Number		
			Filing Date	Herewith	
			First Named Inventor		
			Group Art Unit	Not Yet Assigned	
Examiner Name	Not Yet Assigned				
Sheet	2	of	8	Attorney Docket Number	003801.P083

U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
Jbd		5,136,501	Silverman, et al.	8/4/1992	5/26/1989
		5,168,446	Wiseman	12/1/1992	5/23/1989
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			
Jbd	Netherland	9300266	2.10.1993			No
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	Canada	2,253,543	3/19/1997			Yes

OTHER DOCUMENTS		
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
Jbd	ROCKOFF, T.E; GROVES, M., "Design of an Internet-based system for remote Dutch auctions", <u>Internet Research - Electronic Networking Applications and Policy</u> , January 1, 1995, Vol 5, No. 4, Pages 10-16.	
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Examiner Signature		Date Considered	3/15/06
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			Filing Date	Herewith	
			First Named Inventor		
			Group Art Unit	Not Yet Assigned	
Examiner Name	Not Yet Assigned				
Attorney Docket Number	003801.P083				
Sheet	3	of	8		

U.S. PATENT DOCUMENTS					
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	Number				
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	5,727,165	Ordish, et al.	3/10/1998	12/27/1994	
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	5,818,914	Fujisaki	10/6/1998	3/27/1995	
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			
jbd	PCT	WO99/63461	12/9/1999			
f	PCT	WO95/17711	6/29/1995			

OTHER DOCUMENTS			
Examiner Initials *		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
jbd		RECK, Martin, "Formally Specifying and Automated Trade Execution System", <u>Journal of Systems and Software</u> , 1993, Pages 245-252, Vol. 21.	
		"Anonymous Delivery of Goods in Electronic Commerce", <u>IBM Technical Disclosure Bulletin</u> , March 1996, Pages 363-366, Vol. 39, No. 3.	
		LEE, Ho G., " Electronic Brokerage and Electronic Auction: The Impact of IT on Market Structures", <u>Proceedings of the 29th HICSS</u> , 1996, Pages 397-406, Vol. IV.	
		CLEMONS, E; WEBER, B., "Evaluating the Prospects for Alternative Electronic Securities Markets", <u>International Conference on Information Systems</u> , 1991, Pages 53-61, Vol 12.	

Examiner Signature		Date Considered	3/15/06
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			First Named Inventor		
			Group Art Unit	Not Yet Assigned	
Examiner Name	Not Yet Assigned				
Attorney Docket Number	003801.P083				
Sheet	4	of	8		

U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
jbd		5,835,896	Fisher, et al.	11/10/1998	3/29/1996
		5,845,266	Lupien, et al.	12/1/1998	12/12/1995
		5,850,442	Mutic	12/15/1998	3/26/1996
		4,864,516	Gathier, et al	9/5/1989	3/10/1986
		5,205,200	Wright	4/27/1993	1/9/1992
		5,485,510	Colbert	1/16/1996	9/1/1994
		5,557,728	Garrett, et al.	9/17/1996	11/22/1994
		5,598,557	Doner, et al.	1/28/1997	9/22/1992
		5,657,389	Houvener	8/12/1997	5/8/1995
		5,694,546	Reisman	12/2/1997	5/21/1994
		5,706,457	Dwyer, et al.	1/6/1998	6/7/1995
		5,715,314	Payne, et al.	2/3/1998	10/24/1994

FOREIGN PATENT DOCUMENTS							
Examiner Initials *		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
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OTHER DOCUMENTS		
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
jbd	MARDESICH, J., "Onsale takes auction gavel electronic", <u>Computer Reseller News</u> , July 8, 1996, Page 2 continued on Page 32.	
	"Onsale joins fray as online shopping picks up speed: INTERNET BOOMS", <u>Computer Reseller News</u> , June 5, 1995, Page 73 (www.dialogweb.com).	
	SIEGMANN, Ken, "Nowhere to go but up", <u>PC Week</u> , October 23, 1995, Page 1-3, Vol. 12, No. 42 (www.dialogweb.com).	
	"Onsale: Onsale Brings Thrill of Auctions and Bargain Hunting Online; Unique Internet retail service debuts with week-long charity auction for the Computer Museum in Boston", May 24, 1995, (pp 3) Dialog Web. 0489267 BW0022.	

Examiner Signature		Date Considered	3/15/06
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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			Application Number		
			Filing Date		
			First Named Inventor		
			Group Art Unit		
Examiner Name			Not Yet Assigned		
Attorney Docket Number			003801.P083		
Sheet	5	of	8		

U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
jd		5,771,380	Tanaka, et al.	6/23/1998	10/7/1996
		5,771,291	Newton, et al.	6/23/1998	12/11/1995
		5,799,285	Klingman	8/25/1998	8/30/1996
		5,803,500	Mossberg	8/8/1998	3/27/1997
		5,845,265	Woolston	12/1/1998	11/7/1995
		5,872,848	Romney, et al.	2/16/1999	2/18/1997
		5,873,069	Reuhl, et al.	2/16/1999	10/13/1995
		5,884,056	Steele	3/16/1999	12/28/1995
		5,890,138	Godin, et al.	3/30/1999	8/26/1996
		5,905,974	Fraser, et al.	5/18/1999	12/13/1996
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		5,922,074	Richard, et al.	7/13/1999	2/28/1997

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OTHER DOCUMENTS			
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jd		SCHMID, B.F., "The Development of Electronic Commerce", <u>Newsletter of the Competence Centre Electronic Markets</u> , October 1993, No. 9/10.	
		TJOSTHEIM, I; EIDE, J., "A case study of an on-line auction for the World Wide Web", Norwegian Computing Center, No Date Given, www.nr.no/gem/elcom/publikasjoner/enter98e.html .	
		GRAHAM, I., "The Emergence of Linked Fish Markets in Europe", <u>Focus Thema</u> , No Date Given.	
		RECK, Martin, "Traing-Process Characteristics of Electronic Auctions", <u>Focus Thema</u> , No Date Given.	

Examiner Signature		Date Considered	3/15/06
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			First Named Inventor		
			Group Art Unit	Not Yet Assigned	
Examiner Name	Not Yet Assigned				
Sheet	6	of	8	Attorney Docket Number	003801.P083

U.S. PATENT DOCUMENTS					
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jkd		5,926,794	Fathe	7/20/1999	3/6/1996
		5,991,739	Cupps, et al.	11/23/1999	11/24/1997
		6,035,402	Vaeth, et al.	3/7/2000	12/20/1996
		6,044,363	Mori, et al,	3/28/2000	9/2/1997
		6,055,518	Franklin, et al.	4/25/2000	11/12/1996
		6,058,417	Hess, et al.	5/2/2000	10/23/1998
		6,073,117	Oyanagi, et al.	6/6/2000	3/13/1998
		6,104,815	Alcorn, et al.	8/16/2000	1/9/1998
		5,715,314	Payne, et al,	2/3/1998	10/24/1994
		5,722,418	Bro	3/3/1998	9/30/1994
		5,799,285	Klingman	8/25/1998	8/30/1996
		5,803,500	Mossberg	9/8/1998	3/27/1997

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jkd	VAN HECK, E.; RIBBERS, P.M., "Experiences with Electronic Auctions in the Dutch Flower Industry", <u>Focus Theme</u> , No Date Given.		
I	LEE, H.G., "AUCNET: Electronic Intermediary for Used-car Transactions", <u>Focus Theme</u> , No Date Given.		
I	KLEIN, S., "Introduction to Electronic Auctions", <u>Focus Theme</u> , No Date Given		
↓	TURBAN, E., "Auctions and Bidding on the Internet an Assessment", <u>Focus Theme</u> , No Date Given.		

Examiner Signature		Date Considered	3/15/06
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			First Named Inventor		
			Group Art Unit	Not Yet Assigned	
Examiner Name	Not Yet Assigned				
Attorney Docket Number	003801.P083				
Sheet	7	of	8		

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	Number				
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		5,924,072	Havens	7/13/1999	1/6/1997
		5,874,412	Hazelhurst, et al.	10/26/1999	9/24/1997
		5,596,994	Bro	1/28/1997	5/2/1994
		5,857,203	Kaufman, et al.	1/5/1999	7/29/1996
		5,857,201	Wright, Jr., et al.	1/5/1999	6/18/1996
		5,857,188	Douglas	1/5/1999	4/29/1996
		6,161,082	Goldberg, et al.	12/12/2000	11/18/1997
		5,790,790	Smith, et al.	8/4/1998	
V		5,845,265	Woolston	12/1/1998	
		6,047,264	Fisher, et al.	4/4/2000	

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		Office or Country	Number	Date			

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Jed	ZWASS, Vladimir, "Electronic Commerce: Structures and Issues", <u>International Journal of Electronic Commerce</u> , Fall 1996, Pages 3-23, Vol. 1, No. 1, pp 3-23 (www.cba.bgsu.edu).		
I	PRIEST, Chris; van TOL, Maarten, "Adaptive agents in a persistent shout double auction", Proceedings of the First International Conference on Information and Computation Economies, October 25-28, 1998, Charleston, US.		
I	RESNICK, Paul; ZECKHAUSER, Richard; FRIEDMAN, Eric; KUWABARA, Ko, "Reputation Systems", Association for Computing Machinery, <u>Communications of the ACM</u> , vol. 43, no. 12, pp 45-48 ((Dialog file).		
V	MEADE, Jim, visual 360: a performance appraisal system that's "fun".. <u>HR Magazine</u> , July, 1999 (Dialog file).		

Examiner Signature		Date Considered	3/15/06
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				Filing Date	
				First Named Inventor	
				Group Art Unit	
Examiner Name		Not Yet Assigned			
Attorney Docket Number		003801.P083			
Sheet	8	of	8		

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	Number				
jbd		6,061,448	Smith, et al.	5/9/2000	
		6,085,176	Woolsten	7/4/2000	
		6,119,137	Smith, et al.	9/12/2000	
		6,178,408	Copple, et al.	1/23/2001	
		6,192,407	Smith, et al.	2/20/2001	
		6,202,051	Woolsten	3/13/2001	
✓		6,243,691	Fisher, et al.	6/5/2001	

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Examiner Signature		Date Considered	3/15/06
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Notice of References Cited

Application/Control No.

10/252,127

Applicant(s)/Patent Under
Reexamination
VERES ET AL.

Examiner

Jason B. Dunham

Art Unit

3625

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,799,285 A	08-1998	Klingman, Edwin E.	705/26
*	B	US-6,058,379 A	05-2000	Odom et al.	705/37
*	C	US-2001/0039531 A1	11-2001	Aoki, Yoshinori	705/37
*	D	US-2002/0082977 A1	06-2002	Hammond et al.	705/37
*	E	US-6,415,270 B1	07-2002	Rackson et al.	705/36R
*	F	US-2002/0099562 A1	07-2002	Bruce et al.	705/1
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,127	09/20/2002	Robert Dean Veres	2043.083US1	4526

49845 7590 10/06/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY
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EXAMINER

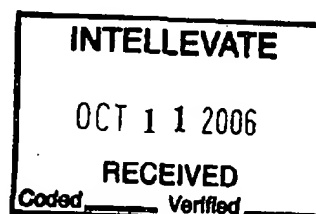
DUNHAM, JASON B

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Schwegman, Lundberg,
Woessner & Kluth, P.A.
OCT 11 2006
RECEIVED

Office Action Summary	Application No. 10/252,127	Applicant(s) VERES ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/26/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 & 12-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. Patent No. 5,799,285) in view of Hammond (U.S. Patent Application No. 2002/0082977).

Referring to claim 1. Klingman discloses a method for automatically updating a seller application upon connecting to a network based transaction facility, the method including:

- Receiving a request, by a seller application, to connect to a network based transaction facility (Klingman: abstract);
- Klingman discloses the above but does not expressly disclose determining whether a category update exists and downloading the category update to the seller application. Hammond discloses a method including:
 - Determining whether a category update exists for a category data structure maintained by the seller application (Hammond: figures 3-4 and paragraphs 8,107,113, 115, and 117).
 - Downloading the category update to the seller application for each updating of a category data structure maintained by the seller application

utilizing the downloaded category update (Hammond: figures 3-4 and paragraphs 8,107,113,115, and 117).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Klingman to have included determining whether a category update exists and downloading the category update to the seller application, as taught by Hammond, in order to tailor the seller's auction listing to produce the best results (Hammond: abstract).

Referring to claim 2. Klingman discloses the above but does not expressly disclose only downloading the category update to the seller application if automatic updating of the seller application is enabled. Hammond discloses a method including downloading the category update to the seller application if automatic updating of the seller application is enabled (Hammond: paragraph 127). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Klingman to have included downloading the category update to the seller application if automatic updating of the seller application is enabled, as taught by Hammond, in order to tailor the seller's auction listing to produce the best results (Hammond: abstract).

Referring to claim 3. Klingman further discloses a method including downloading program updates to the seller application to enable automatic updating of the seller application utilizing the downloaded program updates (Klingman: column 8, lines 40-54 & column 15, line 60 – column 16, line 21).

Referring to claim 4. Klingman further discloses a method including downloading a plurality of attribute updates to the seller application to enable automatic updating of the seller application with the downloaded attribute updates (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 5. Klingman further discloses a method wherein an attribute includes a descriptive information field associated with a transaction listing (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 6. Klingman further discloses a method wherein an attribute is associated with a transaction listing according to the transaction listing's respective category (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 7. Klingman further discloses a method wherein a plurality of attributes may be associated with a transaction listing (Klingman: column 8, line 55 – column 9, line 7).

Referring to claim 8. Klingman further discloses a method including automatically uploading user information updates from the seller application to the network based transaction facility (Klingman: column 8, line 40 – column 9, line 7).

Referring to claim 9. Klingman further discloses a method wherein user information includes a payment address (Klingman: column 7, lines 32-40 & column 8, lines 6-39).

Referring to claim 10. Klingman further discloses a method including recognizing that the user has enabled support for a targeted site for which support has not yet been

installed and automatically downloading support for the targeted site from the network based transaction facility (Klingman: column 17, lines 5-20).

Referring to claim 12. Klingman further discloses a method including updating the seller application with the downloaded support for the target site (Klingman: column 17, lines 5-20).

Referring to claim 13. Klingman further discloses a method wherein the targeted site includes a plurality of targeted sites (Klingman: figure 1). The examiner notes that Klingman disclose a seller setting up a web site for different types of products and it would have been obvious to one of ordinary skill in the art to have set up multiple web sites for different products.

Referring to claims 14-18. Claims 14-18 are rejected under the same rationale set forth above in the arguments to claims 10 & 12-13. Klingman discloses a method wherein a seller operates a web site, or store, separate from the distributor's web pages.

Referring to claims 19-31. Claims 19-31 are rejected under the same rationale set forth above. The combination of Klingman and Hammond discloses a system capable of performing the methods as noted above.

Referring to claims 32-38. Claims 32-38 are rejected under the same rationale set forth above. The combination of Klingman and Hammond discloses a transaction application capable of performing the methods as noted above.

Referring to claims 39-42. Claims 32-38 are rejected under the same rationale set forth above. The combination of Klingman and Hammond discloses a seller application capable of performing the methods as noted above.

Referring to claim 43. Claim 43 is rejected under the same rationale set forth above. The combination of Klingman and Hammond discloses a computer readable medium capable of performing the methods as noted above.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Klingman (U.S. Patent No. 5,799,285) and Hammond (U.S. Patent Application No. 2002/0082977) in view of Rackson (U.S. Patent 6,415,270).

Referring to claim 11. The combination of Klingman and Hammond teaches all of the above but does not expressly disclose a method wherein support includes information necessary to configure the seller application to work the targeted site language. Rackson teaches a method for automatically updating a seller application upon connecting to a network based transaction facility, wherein support includes information necessary to configure the seller application to work the targeted site language (Rackson: column 15, lines 23-52). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of the combination of Klingman and Hammond wherein support includes information necessary to configure the seller application to work the targeted site language, as taught by Rackson, in order to allow bidders to participate from many countries (Rackson: column 15, lines 23-52).

Response to Arguments

Applicant's arguments filed June 26, 2006 have been fully considered but they are not persuasive. Applicant argues that the combination of Klingman and Hammond does not disclose all of the limitations of claim 1, specifically, determining whether a category update exists and downloading the category update to the seller application. The examiner notes that Hammond discloses a method of providing data to the auction seller in figure 3 and identifying a supply of competing products (i.e. category) in figure 4. As noted by the applicant, Hammond further discloses, "provid(ing) continuously updated information to the seller. The collected data may additionally include factors or characteristics of auctions...". Furthermore, Hammond discloses the following in paragraphs 113, 115, and 117:

- "...The marketplace can include the auction sites or sites, the category, and the subcategory of the auction."
- "...the supply of similar or competing products is identified. In this step, the number of product listings for each auction category or subcategory can be measured. An auction with the smallest supply is preferably selected."
- "In this step, the effect upon the...category versus subcategory listings...can be determined."

The examiner notes that paragraph 8 of Hammond discloses an overall embodiment while paragraphs 113, 115, and 117 disclose specific methods within that embodiment that are read in light of the overall embodiment. Clearly, Hammond discloses searching a network-based transaction facility (such as an auction web site

Art Unit: 3625

disclosed in Hammond's abstract) for new or updated categories that will provide the seller with optimum placement of their advertisement (Hammond: paragraph 117). This information is provided (i.e. downloaded) by the auction data processing system to the auction seller.

Applicant further argues that the combination of Klingman and Hammond does address the limitations of claim 1 of the applicant's invention because it uses *known* techniques in obtaining category updates. The examiner notes that nowhere in claim 1 of the application is it recited how it is determined if a category update exists. Claims 2-43 are rejected under the same rationale set forth above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
9/26/06

Mark Smith
P112

6/26/06

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



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Complete if Known

Application Number 10/252,127
Filing Date September 20, 2002
First Named Inventor Veres, Robert
Group Art Unit 3625
Examiner Name Dunham, Jason

Attorney Docket No: 2043.083US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
jbd	US-2002/0123959A1	09/05/2002	Mozley, M., et al.	01/29/2002
	US-5,442,782	08/15/1995	Malatesta, John A., et al.	08/13/1993
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	US-5,652,896	07/29/1997	Yamauchi, S., et al.	05/26/1995
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	US-6,857,022	02/15/2005	Scanlan, P. L.	09/29/2000

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Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
jbd	JP-2000-322490	11/24/2000	Kawamura, M., et al.	
jbd	WO-0182115	11/01/2001	Wang, Bill	

EXAMINER

DATE CONSIDERED

9/26/06

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language translation is attached.

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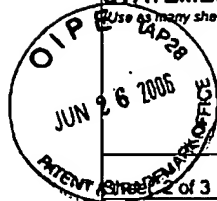
INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/252,127
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Dunham, Jason

Attorney Docket No: 2043.083US1



OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	†
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		MERRILL, KEVIN , "GE Capital to extend integrator buying spree. (GE Capital Technology", <u>Computer Reseller News</u> , n691, (July 8, 1996),2(1)	

EXAMINER

DATE CONSIDERED

9/26/06

Substitute Disclosure Statement Form (PTO-1447)

* EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional) ‡ Applicant is to place a check mark here if English language Translation is attached

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**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Sheet 3 of 3

Complete if Known

Application Number	10/252,127
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Dunham, Jason

Attorney Docket No: 2043.083US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T*
jd		POLLOCK, M. , "Sold on eBay: As antique and collectible dealers see their sales increase through online auctions such as eBay, more of them are deciding that the internet is not something to be afraid of", <u>Sarasota Herald Tribune</u> , Obtained from Proquest, Document No. 45499060, (October 11, 1999), 8 pages	
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		SCHNEIDER, G. M., et al., "An Introduction to Programming and Problem Solving with Pascal", <u>An Introduction to Programming and Problem Solving with Pascal, Second Edition</u> , John Wiley & Sons, Inc., New York, (1982), 3 Pages	
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EXAMINER

DATE CONSIDERED

9/26/06

Substitute Disclosure Statement Form (PTO-1448)
 *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 800. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional) : Applicant is to place a check mark here if English language Translation is attached

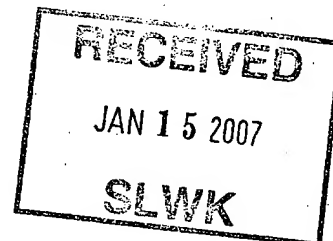
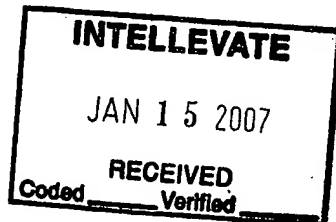


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,127	09/20/2002	Robert Dean Veres	2043.083US1	4526
49845	7590	01/10/2007		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY				
P.O. BOX 2938				
MINNEAPOLIS, MN 55402				
EXAMINER				
DUNHAM, JASON B				
ART UNIT		PAPER NUMBER		
3625				
MAIL DATE		DELIVERY MODE		
01/10/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.



**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/252,127

Applicant(s)

VERES ET AL.

Examiner

Jason B. Dunham

Art Unit

3625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


**MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600**

Continuation of 11. NOTE: does NOT place the application in condition for allowance because: The applicant repeats arguments which were previously presented in the remarks filed June 26, 2006 and are not persuasive. Applicant argues that the combination of Klingman and Hammond does not disclose determining whether a category update exists and IF so downloading the category update. The examiner notes the cited portions of Klingman and Hammond disclosed in the final rejection office action dated October 6, 2006 regarding claim 1. Furthermore, downloading of the category update ONLY OCCURS IF a category updates exists, hence if a category update does not exist then downloading of the category update is not required. Claims 2-43 are rejected under the same rationale.

S/N 10/252,126

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert Dean Veres et al.	Examiner:	William J. Allen
Serial No.:	10/252,126	Group Art Unit:	3625
Filed:	September 20, 2002	Docket No.:	2043.079US1
Title:	METHOD AND SYSTEM FOR SCHEDULING TRANSACTION LISTINGS AT A NETWORK-BASED TRANSACTION FACILITY		

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Office Action mailed on January 30, 2007. Please amend the above-identified patent application as follows.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a two-month extension of the period for responding to the Office Action, thereby moving the deadline for response from April 30, 2007 to June 30, 2007.

IN THE SPECIFICATION

Please amend the paragraph beginning at page 5, line 22 as follows:

Figures ~~[[19a]]~~ **19A** and ~~[[19b]]~~ **19B** illustrate interfaces that may be presented to a user by a network-based transaction facility so as to allow the viewing, editing, previewing and confirmation of collections of transaction listings and of individual transaction listings.

Please amend paragraph [000181] on page 61 as follows:

[000181] The disk drive unit 818 includes a machine-readable medium 820 on which is stored a set of instructions (i.e., software) 804 embodying any one, or all, of the methodologies described above. The software 804 is also shown to reside, completely or at least partially, within the main memory 806 and/or within the processor 802. The software 804 may further be transmitted or received via the network interface device 810. For the purposes of this specification, the term “machine-readable medium” shall be taken to include any medium which is capable of storing or encoding a sequence of instructions for execution by the machine and that cause the machine to perform any one of the methodologies of the present invention. The term “machine-readable medium” shall accordingly be taken to include, but not be limited to, solid-state memories, and optical and magnetic disks, ~~and carrier wave signals~~. Further, while the software is shown in **Figure 22** to reside within a single device, it will be appreciated that the software 804 could be distributed across multiple machines or storage media, which may include the machine-readable medium.

IN THE DRAWINGS

Figure 15B has been amended. Replacement drawing sheets marked "replacement sheet" are submitted herewith .

REMARKS

This responds to the Office Action mailed on January 30, 2007, and the references cited therewith.

The specification and drawings are amended to correct minor typographical errors. Claims 18-26 and 52 remain pending in this application.

§ 101 Rejection of the Claims

Claim 52 was rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter.

Applicants have amended the specification to address the above rejection. For example, the specification has been amended to exclude carrier wave signals from a machine-readable medium, as suggested by the Examiner.

In view of the amendments to the specification, it is submitted the rejection under 35 USC § 101 has been overcome and reconsideration of claim 52 is earnestly requested.

§ 103 Rejection of the Claims

Claims 18, 20-26, and 52:

Claims 18, 20-26, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond et al., (US 20020082977, hereinafter "Hammond") in view of Santosuosso (US 20030110047, hereinafter "Santosuosso"). The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.*

The *Fine* court stated that:

Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981)). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732

F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so." *Id.*

The M.P.E.P. adopts this line of reasoning, stating that The M.P.E.P. adopts this line of reasoning, stating that:

In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

References Do Not Teach or Suggest All Claim Limitations

Hammond discusses a web crawling engine to mine auction web sites for auction market data. That market data is then processed to determine how to best list an item for sale through an on-line auction. (Hammond abstract)

Santosuosso teaches a computer implemented method of processing an online auction event wherein some bids are blocked automatically from consideration. (Santosuosso abstract)

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness for the reason that even if combined, the cited references fail to teach or suggest all of the elements of the applicant's claimed invention.

Independent claim 18 recites:

A method to receive and schedule a plurality of transaction listings, transmitted by a seller application, at a network-based transaction facility, the method including;

receiving a data file at the network-based transaction facility from the seller application executed at a client machine, the data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time;

scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time; and

publishing each of the plurality of transaction listings at the network-based transaction facility according to a respective associated start time.
(Emphasis added).

The Office Action alleges that paragraphs 0006, 0013, 0108, 0114, 0119, and figures 1 and 4 of Hammond teach “receiving a data file a the network-based transaction facility from the seller at a client machine, the data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time.”

Applicants respectfully disagree. Hammond only teaches retrieving data from auction web sites, analyzing the data to determine the optimum combination of each element of the transaction listing, and giving the recommendations to the user.

For example, paragraph 0007 of Hammond recites:

[O]n-line auction market data is aggregated for use in determining how to best list an item for sale through an on-line auction. A web crawling engine is configured to mine auction web sites for auction market data for a product of interest. ... The data is analyzed to identify correlations between item listing options and desirable auction results, such as closing bid price. ... A set of options that corresponds to the maximum of this function is identified as an optimal set of listing options for a product.

(Emphasis added)

Paragraph 0022 of Hammond recites:

FIG. 1 illustrates a system 100 for aggregating and analyzing auction listing and market data. The system 100 preferably includes an auction data mining system 110 and an auction data processing system 114. ... The auction data mining system 110 is configured to query the auction web sites 120 for auction data on products of interest. The auction data mining system 110 provides the aggregated data to an auction data processing system 114, which processes the data. The auction data processing system 114 provides the aggregated data and/or analyses of the data to an auction seller 130. The auction seller 130, in turn, preferably makes use of the received data in listing products for sale on one of the auction sites 120.

(Emphasis added)

From this, it is apparent that Hammond simply shows an auction data mining system that mines auction web sites for auction market data for a particular item. In contrast, Applicants’

claim 18 recites “receiving a data file at the network-based transaction facility from the seller at a client machine.”

Furthermore, in the system of Hammond, the auction market data gathered through data mining auction web sites is analyzed and presented to the seller who can then use the data in listing products for sale on one of the auction sites. More specifically, that data gathered by the system in Hammond from various auction web sites is not the same data that is used to list a product on an auction web site; instead, the data is analyzed and presented to the seller as advice. (see Hammond paragraph 0022 above) In contrast, Applicants’ claim 18 recites “the data file including a plurality of transaction listings,” “scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time,” and “publishing each of the plurality of transaction listings at the network-based transaction facility according to a respective associated start time.”

In addition, neither Hammond nor Santosuosso, alone or in combination, teaches or suggests the following elements as claimed by Applicants in independent claim 18: (1) scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time; and (2) publishing each of the plurality of transaction listings at the network-based transaction facility according to a respective associated start time. The Office Action alleges paragraphs 0040-43, 0114, and 0119-20 of Hammond as teaching these elements of claim 18.

In paragraphs 0040-43, Hammond discloses auction start time and end time as “collectible variables” (see Hammond paragraph 0030) Hammond further discloses:

(Paragraph 0114) ... the timing of the auction is determined. The timing can include when to start the auction, the duration of the auction, and the time of day and day of the week to end the auction. In this step, times that products sell at the best price are preferably measured and traffic of auctions is preferably measured by time of day and day of week.

(Paragraph 0119) ... demand is forecast against supply to determine a best rate or supply flow at which multiple auctions should be started for the same product. In the step 414, the methods discussed in the above subsections are preferably applied.

(Paragraph 0120) ... items are listed on auctions based at least upon the determinations of one or more of the previous steps.

For clarification, it is noted that the auction start and end times referred to in paragraphs 0040-43 of Hammond are merely “collectible variables.” (see Hammond paragraph 0030) More specifically, these “collectible variables” are data elements collected by the data mining system, analyzed, and presented to the seller. (see Hammond paragraph 0055: “the auction data mining system 110 collects data for the collectible variables.”) Also, paragraph 0114 of the Hammond application recites determining the optimum value for the start time auction variable which may be used to list an item on auction. (see Hammond paragraph 0120 above)

Applicants respectfully disagree with the Office Action in applying Hammond. At most Hammond teaches “listing” items on auction by the seller. (see Hammond paragraphs 0022 and 0120 above; see also Hammond paragraph 0108) However, the “listing by the seller” taught by Hammond does not include “scheduling publication of each of the plurality of transaction listings at the network-based transaction facility,” nor does it include “publishing each of the plurality of transaction listings at the network based transaction facility according to a respective associated time” as is claimed in Applicants’ claim 18.

Specifically, it is the seller in Hammond that must list his auction at the start time decided upon; he cannot “schedule” the listing of the auction “at the network-based transaction facility” ahead of time. Furthermore, Hammond does not mention “scheduling” or “publishing” “a plurality of transaction listings.” At most, Hammond teaches “identifying a plurality of auction marketplaces in which items similar to the item have been sold.” (Hammond paragraph 0013)

Further combining the teachings of Santosuosso does not cure Hammond’s defects.

Santosuosso also does not disclose “scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time” or “publishing each of the plurality of transaction listings at the network-based transaction facility according to a respective associated start time.” Santosuosso merely describes a seller on his client machine using a web browser to input information used for listing an auction. (see Santosuosso paragraphs 0031-32) Included in this information is a “cut-off” date used for excluding or blocking bids from certain users. (see *Id.*)

Independent claim 52 includes substantially the same limitations as the independent claim 18, and therefore the arguments that apply to claim 18 also apply to claim 52. ✓

Claim 19:

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond in view of Santosuosso in view of Mozley et al. (US 20020123959, hereinafter "Mozley")

Claim 19 is dependent upon independent claim 18, and is accordingly patentable for the same reasons set forth above with respect to claim 18. Further combining the teachings of Mozley to Hammond in view of Santosuosso fails to cure the defects detailed above with respect to claim 18.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MATTHEW MENDERINK ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4042

Date JUNE 21, 2007

By / [Signature] /
Andre Marais
Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25 day of June 2007.

Peter Patersoni
Name

[Signature]
Signature

S/N 10/252,126

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert Dean Veres et al.	Examiner:	William J. Allen
Serial No.:	10/252,126	Group Art Unit:	3625
Filed:	September 20, 2002	Docket No.:	2043.079US1
Title:	METHOD AND SYSTEM FOR SCHEDULING TRANSACTION LISTINGS AT A NETWORK-BASED TRANSACTION FACILITY		

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Office Action mailed on February 3, 2006. Please amend the above-identified patent application as follows.

IN THE CLAIMS

Please amend the claims as follows:

1.-17. (Canceled)

18. (Original) A method to receive and schedule a plurality of transaction listings, transmitted by a seller application, at a network-based transaction facility, the method including; receiving a data file at the network-based transaction facility from the seller application executed at a client machine, the data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time; scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time; and publishing each of the plurality of transaction listings at the network-based transaction facility according to a respective associated start time.

19. (Currently Amended) The method of claim 18 wherein receiving the data file at the network-based transaction facility includes ~~including~~ the network-based transaction facility verifying user login information supplied by the seller application before receiving the data file.

20. (Original) The method of claim 18 wherein each of the associated start times for each of the plurality of transaction listings in the data file is specific to a respective transaction listing.

21. (Currently Amended) The method of claim 20 wherein each of the associated start [[time]] times includes a starting date [[data]] and time.

22. (Original) The method of claim 18 wherein each of the associated start times for each of the plurality of transaction listings in the data file is different.

23. (Original) The method of claim 18 wherein the associated start times of the plurality of transaction listings define a staggered publication schedule for the plurality of transaction listings.

24. (Original) The method of claim 23 wherein the staggered time is a user selectable amount of time included in the data file.

25. (Original) The method of claim 23 wherein start times are staggered according to a user selectable amount of time.

26. (Original) The method of claim 18 including updating the transaction listings and their respective associated start times after the receiving of the data file at the network-based transaction facility.

27.-51. (Canceled)

52. (Original) A computer-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to:

receiving a data file at the network-based transaction facility from the seller application executed at a client machine, the data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time;

scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time; and

publishing each of the plurality of transaction listings at the network-based transaction facility according to a respective associated start time.

REMARKS

This responds to the Office Action mailed on February 3, 2006, and the references cited therewith.

Claims 19 and 21 are amended to correct minor typographical errors. Claims 18-26 and 52 remain pending in this application.

Information Disclosure Statement

Applicants thank the Examiner for consideration of the previously-submitted Information Disclosure Statements initialed by Examiner with the last Office Action. However, Applicants note that the Examiner did not initial the first 1449 Form from the Supplemental Information Disclosure Statement and a 1449 Form submitted on December 29, 2005. Applicants respectfully request that an initialed copy of the 1449 Form from the Supplemental Information Disclosure Statement submitted December 29, 2005 be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

§102 Rejection of the Claims

Claims 18, 20-26 and 52 were rejected under 35 U.S.C. § 102(e) for anticipation by Hammond et al. (U.S. Publication No. 2002/0082977, hereinafter, "Hammond").

Hammond discusses a web crawling engine to mine auction web sites for auction market data. That market data is then processed to determine how to best list an item for sale through an on-line auction. (Abstract)

Hammond does not disclose all the claim elements as found in the independent claim 18. Specifically, Hammond does not disclose, "A method to receive and schedule a plurality of transaction listings, transmitted by a seller application, at a network-based transaction facility..." or, "receiving a data file at the network-based transaction facility from the seller application executed at a client machine, the data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time..." (emphasis added). Hammond does not receive and schedule a plurality of transaction listing transmitted by a seller application or a data file including those items from the seller application. Hammond merely

receives market (auction) data from auction web sites via an auction data mining system and not from (transmitted by) a seller application. (para. 22)

Hammond also clearly does not disclose, “scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time...” or, “publishing each of the plurality of transaction listings at the network-based transaction facility according to a respective associated start time.”

Hammond discloses the following:

At a step 404, the timing of the auction is determined. The timing can include when to start the auction, the duration of the auction, and the time of day and day of the week to end the auction. *In this step, times that products sell at the best price are preferably measured and traffic of auctions is preferably measured by time of day and day of week.*

(Hammond, para. 0114). (Emphasis added).

Hammond also states that the method may include “*analyzing the collected auction listing data or the auction progress data to identify a preferable timing for starting or ending an auction.*” (Hammond, claim 18). (Emphasis added).

Although Hammond discusses listing the items on auction sites at step 416 of FIG. 4, the start times and durations of the listings are based on certain metrics, as identified above.. Hammond does not actually receive data from a seller application nor does it publish listings, much less a data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time. Hammond merely submits listings selected from an optimization process to other on-line market places. (see step 420 of FIG. 4)

Independent claim 52 includes substantially the same limitations as the independent claim 18, and therefore the arguments that apply to claim 18 also apply to claim 52.

Consequently, Hammond does not anticipate claim 18 or its associated dependent claims, or claim 52, and it is respectfully submitted that the rejection under 35 U.S.C. § 102(e) has been addressed..

§103 Rejection of the Claims

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond et al. in view of Mozley et al. (U.S. Publication No. 2002/0123959, hereinafter, "Mozley").

Mozley discusses a real estate auction system where real estate property is posted for auction. The system and method acquires a plurality of data items describing the real estate property for auction from a seller remote device, makes the real estate property available at auction to a bidder remote device and accepts a bid on the real estate property for auction from at least one potential buyer for a predetermined period.

Claim 19 is dependent upon independent claim 18, and is accordingly patentable for the same reasons expressed above with respect to claim 18.

Further, adding what is taught in Mozley fails to provide what is missing from Hammond and thus fails to render the independent claims 18 and 52, and any dependent claims therefrom, obvious and it is respectfully requested this rejection be removed.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4045 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ROBERT DEAN VERES ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

408-278-4045

Date 5/3/2006

By 

Larry J. Johnson

Reg. No. 56,861

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3 day of March, 2006.

Peter Resuffani

Name



Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,126	09/20/2002	Robert Dean Veres	2043.079US1	4543
49845 7590 08/20/2007 SCHWEGMAN, LUNDBERG & WOESSNER/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER ALLEN, WILLIAM J	
			ART UNIT 3625	PAPER NUMBER
			NOTIFICATION DATE 08/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

Office Action Summary	Application No.		Applicant(s)	
	10/252,126		VERES ET AL.	
	Examiner		Art Unit	
	William J. Allen		3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-26 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/27/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

Claims 1-17 and 27-51 have been canceled.

Claims 18-26 and 52 are pending and rejected as set forth below.

Response to Arguments

Applicant's arguments filed 6/27/2007 with respect to the rejection(s) under 35 USC 103(a) of Hartman in view of Santosuosso have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of PTO form 892 reference U.

Response to Amendment

Applicant's amendment filed 6/27/2007 to the specification has overcome the rejection of claim 52 under 35 USC 101. The rejection is hereby withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1. Claims 18-20 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by PTO form 892 reference U.**

Regarding claim 18, PTO 892 U teaches an online auction management system comprising:

receiving a data file at the network-based transaction facility from the seller application executed at a client machine, the data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time (see at least: Page 2

(Uploading), Page 6 (Uploading “Batches”), Page 13 (Bulk Uploading), and Page 25(#6));

scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time (see at least: Page 12 (Scheduling Feature), Page 25(#5), and Page 28);

publishing each of the plurality of transaction listings at the network based transaction facility according to a respective associated time (see at least: Page 12, Page 28 (note posting/launching = publishing)).

Art Unit: 3625

Regarding claims 19-20, PTO 892 U teaches:

(19) *verifying user login information supplied by the seller application before receiving the data file* (see at least: Page 2(b) and (c), Page 6(a)).

(20) *wherein each of the associated start times for each of the plurality of transaction listings in the data file is specific to a respective transaction listings* (see at least: Page 12, 25, and 28).

Regarding claim 52, claim 52 closely parallel the limitations of claim 18. Claim 52 is thereby rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over PTO 892 U in view of Hammond et al (US 20020082977).

Regarding claims 21-26, PTO 892 U teaches all of the above as noted but does not expressly teach the limitations as set forth in claims 21-26. In the field of electronic auctions, Hammond teaches a web crawling engine for aggregation of auction data which is further used to determine the rate of scheduling online auctions (see at least: abstract, 0013). More specifically, Hammond teaches:

(20) wherein each of the associated start times for each of the plurality of transaction listings in the data file is specific to a respective transaction listings (see at least: Paragraphs 40-43, 114, 119, 120).

(21) wherein each of the associated start time includes a starting data and time (see at least: Paragraphs 40-43, 114).

(22) wherein each of the associated start times for each of the plurality of transactions listings in the data file is different (see at least: Hammond, 0114, 0119, 0120).

(23) wherein the associated start times of the plurality of transaction listings define a staggered publication schedule for a plurality of transaction listings (see at least: Hammond,

Art Unit: 3625

0119, 0120). The Examiner notes that starting auctions at a different rate thereby provides a staggered publication schedule.

(24) wherein the staggered time is user selectable (see at least: Hammond, 0110, 0114, 0119, 0120, Fig. 3).

(25) wherein start times are staggered according to a user selectable amount of time (see at least: Hammond, 0110, 0114, 0119, 0120, Fig. 3).

(26) updating the transaction listing and their respective associated start times after the receiving of the data file at the network based transaction facility (see at least: Hammond, 0110, Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of PTO 892 to include such features as claimed above in order to provide a system that enables sellers to list items so as to increase and maximize revenue generated from the sale of items through auctions (see at least: Hammond, 0006).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443.

The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
August 6, 2007



Mark Fadok

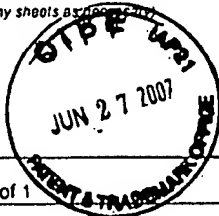
Primary Examiner

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Complete if Known

Application Number	10/252,126
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Allen, William

Sheet 1 of 1

Attorney Docket No: 2043.079US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
<i>BSA</i>	US-2007/0112643A1	05/17/2007	Veres, R., et al.	12/29/2006
<i>BSA</i>	US-6,771,291	08/03/2004	DiStefano, Thomas L.	06/07/2000

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
<i>BSA</i>		eBay: Internet Archive Wayback Machine, www.archive.org; www.ebay.com; 07, 12, (October 1999), 8 pgs.	
<i>BSA</i>		"Subasta.com, the Premier Online Auction Board for Latin America, Spain, and the Hispanic Sector of the U.S., has Attracted Over 60,000 Viewers in Less than Two Months!", Business Wire, Proquest # 43203028, (16 July 1999), 3 pgs.	
<i>BSA</i>		TAPSCOTT, D., "eBay endaggers traditional papers auctioneer can pack far more punch in your sales pitch", National Post, Proquest# 54945579, (09 October 1999), 3 pgs.	
<i>BSA</i>		WILSON, D., "Going...Going...Gone! Bargain-hunters and collectors can scour auctions from home via the internet", The Gazette, Proquest #4116732, (27 April 1999), 4 pgs.	

EXAMINER

BSA

DATE CONSIDERED

8/6/07

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional): Applicant is to place a check mark here if English language Translation is attached

Notice of References Cited	Application/Control No. 10/252,126	Applicant(s)/Patent Under Reexamination VERES ET AL.	
	Examiner William J. Allen	Art Unit 3625	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	www.AuctionWatch.com. August 15, 2000 [15-08-2000]. recovered from www.archive.org on 06-08-2007.
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,126	09/20/2002	Robert Dean Veres	3801P079	4543
21186	7590	02/03/2006		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402				
			EXAMINER ALLEN, WILLIAM J	
			ART UNIT 3625	PAPER NUMBER

T_SLW08557

DATE MAILED: 02/03/2006

EBY00018

Please find below and/or attached an Office communication concerning this application or proceeding.

Schwegman, Lundberg,
Woessner & Kloth, P.A.
FEB 06 2006
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PORTFOLIO IP
FEB 06 2006
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Office Action Summary	Application No.	Applicant(s)	
	10/252,126	VERES ET AL.	
	Examiner	Art Unit	
	William J. Allen	3625	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/9/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 27-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/20/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/3/06, 7/2/04, 4/17/04, 2/5/04, 7/6/04, 12/26/04, 9/20/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History

Claims 1-17 and 27-51 have been canceled.

Claims 18-26 and 52 have been elected.

Information Disclosure Statement

The Information Disclosure Statements received on 1/3/06, ^{7/6/04}~~6/8/04~~, 7/12/04, 4/27/04, 2/5/04, 12/26/04, and 9/20/02 have been considered by the Examiner.

Election/Restrictions

Applicant's election without traverse of Group II, claims 18-26 and 52, in the reply filed on January 3, 2006, is acknowledged.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18, 20-26, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Hammond et al. (US 2002/0082977, herein referred to as Hammond).

Regarding claim 18, Hammond discloses:

receiving a data file at the network-based transaction facility from the seller application executed at a client machine, the data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time (see at least: Paragraphs 6, 13, 108, 114; Fig. 1, 4);

scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time (see at least: Paragraphs 40-43, 114, 119, 120);

publishing each of the plurality of transaction listings at the network based transaction facility according to a respective associated time (see at least: Paragraphs 40-43, 114, 119, 120).

Regarding claim 20, Hammond further discloses *wherein each of the associated start times for each of the plurality of transaction listings in the data file is specific to a respective transaction listings* (see at least: Paragraphs 40-43, 114, 119, 120).

Regarding claim 21, Hammond further discloses *wherein each of the associated start time includes a starting data and time* (see at least: Paragraphs 40-43, 114).

Regarding claim 22, Hammond further discloses *wherein each of the associated start times for each of the plurality of transactions listings in the data file is different* (see at least: Paragraphs 114, 119, 120).

Regarding claim 23 Hammond further discloses *wherein the associated start times of the plurality of transaction listings define a staggered publication schedule for a plurality of transaction listings* (see at least: Paragraphs 119, 120). The Examiner notes that starting auctions at a different rate thereby provides a staggered publication schedule.

Regarding claim 24, Hammond further discloses *wherein the staggered time is user selectable* (see at least: Paragraphs 110, 119, 120).

Regarding claim 25, Hammond further discloses *wherein start times are staggered according to a user selectable amount of time* (see at least: Paragraphs 110, 119, 120).

Regarding claim 26, Hammond further discloses *updating the transaction listing and their respective associated start times after the receiving of the data file at the network based transaction facility* (see at least: Paragraph 110; Fig. 3).

Regarding claim 52, the limitations set forth in claim 52 closely parallel the limitations of claim 18. Claim 52 is thereby rejected under the same rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond (US 2002/0082977) in view of Mozley et al. (US 2002/0123959, herein referred to as Mozley).**

Regarding claim 19, Hammond teaches all of the above as noted and further teaches providing a seller access to refine variables of auction offerings (see at least:

Art Unit: 3625

Paragraph 110). Hammond, however, does not expressly teach *verifying user login information supplied by the seller application before receiving the data file*. Mozley teaches a real estate auction system wherein sellers are registered with the system. Furthermore, Mozley teaches *verifying user login information supplied by the seller application before receiving the data file* (see at least: Fig. 3, 17, 21-23, 25, 26). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Hammond to have included verifying login information as taught by Mozley in order to provide secure access to a seller administration area, thereby allowing a seller to post new auctions, obtain auction summaries, and other pertinent information (see at least: Paragraphs 89, 137).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6415270 to Rackson et al. discloses a remote auction service
- US 6151589 to Aggarwal et al. discloses a method for performing continuous auctions
- US 6058379 to Odom et al. discloses a method for network exchanges
- US 20010039531 to Aoki discloses an auction system and service
- PTO 892 Reference U discloses multiple auction utilities
- PTO 892 Reference V discloses specialized online stores such as *Hello Direct* on eBay.

Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

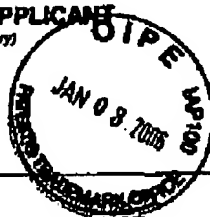


William J. Allen
Patent Examiner
January 19, 2006

Substitute for form 1449A-P10

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)



Under the Patent Act of 1952, all persons are required to furnish to a collector of information a copy of any document or information in their possession, custody or control, which is material to the examination of an application for a patent.

Complete #/Pages	
Application Number	10/252,126
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Allen, William

Sheet 1 of 3

Attorney Docket No: 2043.079US1

US PATENT DOCUMENTS

Examiner Initials*	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
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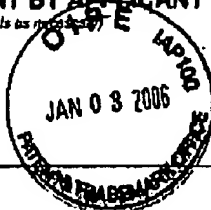
Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
	JP-2000-322490	11/24/2000	Kawamura, M., et al.	

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Sheet 2 of 3

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PTO/US034 (10-01)
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US Patent & Trademark Office, U.S. DEPARTMENT OF COMMERCE

Complete if Known

Application Number	10/252,126
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Allen, William

Attorney Docket No: 2043.079US1

OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
SA		"International Search Report PCT/US00/17136", PCT/US00/17136,	
SA		"International Search Report PCT/US01/12398", PCT/US01/12398,	
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EXAMINER

DATE CONSIDERED

1/18/06

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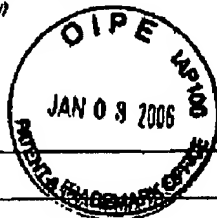
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Complete if known

Application Number	10/252,126
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Allen, William

Sheet 3 of 3

Attorney Docket No: 2043.079US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	P
<i>WJA</i>		WILSON, T., "Act Globally, Think Locally", <u>InternetWeek</u> , Issue 789, Obtained from Proquest, Document No. 48352181, (November 15, 1999), 4 p.	

EXAMINER

DATE CONSIDERED 1/16/06

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ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18
Stylesheet Version v18.0

Title of
Invention

METHOD AND SYSTEM FOR SCHEDULING
TRANSACTION LISTINGS AT A NETWORK-BASED
TRANSACTION FACILITY

Application Number: 10/252126
Confirmation Number: 4543
First Named Applicant: Robert Veres
Attorney Docket Number: 3801P079
Art Unit: 3825
Examiner: Robert Pond
Search string: (5974412 or 6035402 or 6266651 or
6266652).pn.



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GROUP 3600

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
1528	1	5974412	1999-10-26	Hazelhurst, Brian L., et al.			
1528	2	6035402	2000-03-07	Vaeth, J S., et al.			
1528	3	6266651	2001-07-24	Woolston, Thomas G.			
1528	4	6266652	2001-07-24	Godin, Paul B., et al.			

Remarks

Note: Remarks are not for responding to an office action.

Applicants, in accordance with their duty of disclosure under 37 CFR 1.56 and in accordance with 37 CFR 1.97(c)(2), hereby submit this Electronic Information Disclosure Statement citing U.S. Patent documents for consideration by the Examiner. Pursuant to 37 CFR 1.97, the submission of this Electronic Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability. This Electronic Information Disclosure Statement is being filed after the mailing of a first office action and before the mailing of a final office action, notice of allowance, or an action otherwise closing prosecution. Pursuant to 37 CFR

1.97(c)(2), the fee set forth in 37 CFR 1.17(p) of \$180.00 is due for the filing of this Electronic Information Disclosure Statement. Please charge this fee and any other fee that may be due to Deposit Account 02-2666. Applicants respectfully request that the cited documents be considered and that the form be initialed by the Examiner to indicate such consideration and a copy thereof be returned to Applicants' attorney of record.

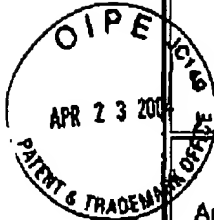
Signature

Examiner Name	Date
<i>YSAH</i>	1/18/06

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0



Title of
Invention

METHOD AND SYSTEM FOR SCHEDULING
TRANSACTION LISTINGS AT A NETWORK-BASED
TRANSACTION FACILITY

Application Number: 10/252126
Confirmation Number: 4543
First Named Applicant: Robert Veras
Attorney Docket Number: 3801P079
Art Unit: 3625
Examiner: Unknown Unknown
Search string: (20010029455 or 20030018885 or 5799285 or
5909544 or 6363337 or 6574239).pn.



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GROUP 3600

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

Init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
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<input type="checkbox"/>	2	20030018885	2003-01-02	Landsman, Rick W., et al.			
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<input type="checkbox"/>	4	5909544	1999-06-01	Anderson, Michell M., et al.		395	200.38
<input type="checkbox"/>	5	6363337	2002-03-26	Amith, Aviel			
<input checked="" type="checkbox"/>	6	6574239	2003-06-03	Dowling, Eric M., et al.		370	469

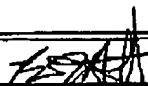
Remarks

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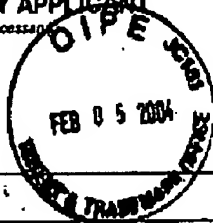
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Application Number	10/252126
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Unknown

Sheet 1 of 1

Attorney Docket No: 3801.P079

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
BSA	US-5,724,524	03/03/1998	Hunt, William M., et al.			12/15/1995
	US-5,944,790	08/31/1999	Levy, Daniel R.			07/19/1998
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Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Y ¹
BSA	WO-03/038560	05/08/2003	Kotas, Paul, et al.	A2		

OTHER DOCUMENTS - NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
BSA		"International Search Report", PCT/US03/17915, (11/26/2003).	

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REMARKS

The following applications may be related to the present application.

Application serial number 10/252,128, entitled "METHOD AND SYSTEM FOR CUSTOMIZING A NETWORK-BASED TRANSACTION FACILITY SELLER APPLICATION" and filed on September 20, 2002.

Application serial number 10/252,129, entitled "METHOD AND SYSTEM FOR COMPOSING TRANSACTION LISTING DESCRIPTIONS FOR USE IN A NETWORK-BASED TRANSACTION FACILITY" and filed on September 20, 2002.

Application serial number 10/252,127, entitled "METHOD AND SYSTEM FOR AUTOMATICALLY UPDATING A SELLER APPLICATION UTILIZED IN A NETWORK-BASED TRANSACTION FACILITY" and filed on September 20, 2002.

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Application Number	10/252,126
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Pond, Robert

Sheet 1 of 1

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US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date if Appropriate
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LSA	WO-0058862	10/05/2000	Kinney, Sam E., et al.			
LSA	WO-0182115	11/01/2001	Wang, Bill H.			
LSA	WO-03038560	05/08/2003	Kotas, Paul, et al.		A3	

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LSA		"International Search Report", PCT/US00/17138, (6/21/00).	
		"International Search Report", PCT/US01/23854, (7/24/01).	
		"International Search Report", PCT/US02/04692, (2/11/02).	
		"International Search Report", PCT/US99/18510, (8/12/99).	
		"International Search Report", PCT/US01/12398, (4/16/01).	
		"International Search Report", PCT/US01/04811, (2/14/01).	
		"International Search Report", PCT/US99/29312, (12/8/99).	
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		"Mediapraise", Mediapraise receives national award for web-based technology that enables companies to solve thorn HR problem. Business Editors., (12/14/98).	
		"Subasta.com Enters Into Strategic Partnership With From2.com", Business Wire, 06242815 Dialog File 20: see page 1., (7/16/99).	
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		AKIN, D, "Web Retailing Gains Market Muscle As Concerns Fade: Record Season: Increasing Number of Sites Catering For Canadian Dollar", Financial	

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 * EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * Applicant's unique citation designation number (optional) * Applicant is to place a check mark here if English language translation is attached

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Application Number	10/252,126
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Pond, Robert

Attorney Docket No: 3801P079

OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T*
<i>PSA</i>		Post, 03858053 Dialon File 20: see all pages... (12/26/98), 7	
<i>PSA</i>		MERRILL, KEVIN, "GE Capital to Extend Integrator Buying Sprée", Computer Resell News, http://www.cm.com , (7/8/98), p 31-32	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/252,126
Filing Date	September 20, 2002
First Named Inventor	Robert Dean Veres
Art Unit	3625
Examiner Name	Not Yet Assigned
Attorney Docket Number	3801P079

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			Application Number		
			Filing Date	Herewith	
			First Named Inventor		
			Group Art Unit	Not Yet Assigned	
Examiner Name	Not Yet Assigned				
Sheet	1	of	8	Attorney Docket Number	003801.P079

U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
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		3,573,747	Adams, et al.	4/6/1971	2/24/1969
		4,412,287	Braddock, III	10/25/1983	9/15/1982
		4,674,044	Kalmus, et al.	4/16/1997	1/30/1985
		4,677,552	Sibley, Jr.	6/30/1987	10/5/1984
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		5,053,507	Lindsey, et al.	11/5/1991	9/14/1990
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			
SEA	PCT	WO 92/15174	2/25/1992	Beaumont-Maxin International	9/3/1992	
SEA	PCT	WO 98/34356	4/26/1996	Fleanet, Inc.	10/31/1996	
SEA	PCT	WO 97/37315	3/19/1997	Onsale, Inc.	10/9/1997	

OTHER DOCUMENTS			Translation? Yes/No
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).		
SEA	MALONE, T.W.; YATES, J; et al., "Electronic Markets and Electronic Hierarchies", <u>Communications - of the ACM</u> , June 1987, Pages 484-497, Vol. 30, No. 6.		
↓	WARBELOW, A; KOKURYO, J, "Auction: TV Auction Network System". <u>Harvard Business School Case/Study</u> , July 1989, Pages 1-15, HBVR# 9-190-001, USA		
↓	"Personal Optimized Decision/Transaction Program", <u>IBM Technical Disclosure Bulletin</u> , January 1995, Pages 83-84, Vol. 38, No. 1		
↓	NEO, B.S, "The implementation of an electronic market for pig trading in Singapore", <u>Journal of Strategic Information Systems</u> , December 1992, pages 278-288, Vol 1		

Examiner Signature		Date Considered	1/19/06
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		Application Number			
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		First Named Inventor			
		Group Art Unit	Not Yet Assigned		
Examiner Name	Not Yet Assigned				
Sheet	2	of	8	Attorney Docket Number	003801.P079

U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
BSA		5,136,501	Silverman, et al.	8/4/1992	5/26/1989
		5,168,446	Wiseman	12/1/1992	5/23/1989
		5,243,515	Lee	9/7/1993	10/30/1990
		5,258,908	Harthelmer, et al.	11/2/1993	11/2/1990
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			
BSA	Netherland	9300266	2.10.1993			No
↓	France	2658635-A1	2.6.1991			
↓	Canada	2,253,543	3/19/1997			Yes

OTHER DOCUMENTS		
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
BSA	ROCKOFF, T.E; GROVES, M., "Design of an Internet-based system for remote Dutch auctions", <u>Internet Research - Electronic Networking Applications and Policy</u> , January 1, 1995, Vol 5, No. 4, Pages 10-18.	
	MASSIMB, M.N; PHELPS, B.D, "Electronic Trading, Market Structure and Liquidity", <u>Financial Analysts Journal</u> , January - February 1994, Vol 50, No. 1, Pages 39-50.	
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	HESS, C.M; KEMERER, C.F., "Computerized Loan Organization System: An Industry Case Study of the Electronic Markets Hypothesis", <u>MIS Quarterly</u> , September 1994, Vol. 18, No 3, Pages 251-274.	

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		First Named Inventor	
		Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned		
Attorney Docket Number	003801.P079		
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U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
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ISA	PCT	WO99/63461	12/9/1999			
	PCT	WO95/17711	6/29/1995			

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ISA	RECK, Martin, "Formally Specifying and Automated Trade Execution System", <u>Journal of Systems and Software</u> , 1993, Pages 245-252, Vol. 21.	
	"Anonymous Delivery of Goods in Electronic Commerce", <u>IBM Technical Disclosure Bulletin</u> , March 1996, Pages 363-366, Vol. 39, No. 3.	
	LEE, Ho G., "Electronic Brokerage and Electronic Auction: The Impact of IT on Market Structures", <u>Proceedings of the 29th HICSS</u> , 1996, Pages 397-406, Vol. IV.	
	CLEMONS, E; WEBER, B., "Evaluating the Prospects for Alternative Electronic Securities Markets", <u>International Conference on Information Systems</u> , 1991, Pages 53-61, Vol 12.	

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				Application Number	
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				First Named Inventor	
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	003801.P079
Sheet	4	of	8		

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TSB	MARDESICH, J., "Onsale takes auction gavel electronic", <u>Computer Reseller News</u> , July 8, 1996, Page 2 continued on Page 32.	
	"Onsale joins fray as online shopping picks up speed: INTERNET BOOMS", <u>Computer Reseller News</u> , June 5, 1995, Page 73 (www.dialogweb.com).	
	SIEGMANN, Ken, "Nowhere to go but up", <u>PC Week</u> , October 23, 1995, Page 1-3, Vol. 12, No. 42 (www.dialogweb.com).	
	"Onsale: Onsale Brings Thrill of Auctions and Bargain Hunting Online; Unique Internet retail service debuts with week-long charity auction for the Computer Museum in Boston", May 24, 1995, (pp 3) Dialog Web. 0489267 BW0022.	

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			Application Number		
			Filing Date		
			First Named Inventor		
			Group Art Unit		
			Not Yet Assigned		
			Not Yet Assigned		
Sheet	5	of	8	Attorney Docket Number	
003801.P079					

U.S. PATENT DOCUMENTS				
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SA	5,771,380	Tanaka, et al.	6/23/1998	10/7/1996
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Office or Country	Number	Date		

OTHER DOCUMENTS		
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
SA	SCHMID, B.F., "The Development of Electronic Commerce", Newsletter of the Competence Centre Electronic Markets, October 1993, No. 9/10.	
	TJOSTHEIM, I; EIDE, J., "A case study of an on-line auction for the World Wide Web", Norwegian Computing Center, No Date Given, www.nr.no/gem/elcom/publikasjoner/enter98e.html.	
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	RECK, Martin, "Traing-Process Characteristics of Electronic Auctions", Focus Theme, No Date Given.	

Examiner Signature		Date Considered	
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*EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449A/PTO (Modified by BSTZ 6/30/99) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number		
			Filing Date	Herewith	
			First Named Inventor		
			Group Art Unit	Not Yet Assigned	
			Examiner Name	Not Yet Assigned	
			Attorney Docket Number	003801.P079	
Sheet	6	of	8		

U.S. PATENT DOCUMENTS				
Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
AA	5,926,794	Fethe	7/20/1999	3/6/1996
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Examiner Initials *	Foreign Patent Document			Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date		

OTHER DOCUMENTS		
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
AA	VAN HECK, E.; RIBBERS, P.M., "Experiences with Electronic Auctions in the Dutch Flower Industry", Focus Theme, No Date Given.	
	LEE, H.G., "AUCNET: Electronic Intermediary for Used-car Transactions", Focus Theme, No Date Given.	
	KLEIN, S., "Introduction to Electronic Auctions", Focus Theme, No Date Given	
	TURBAN, E., "Auctions and Bidding on the Internet an Assessment", Focus Theme, No Date Given.	

Examiner Signature		Date Considered	1/10/00
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		Application Number	
		Filing Date	Herewith
		First Named Inventor	
		Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned		
Attorney Docket Number	003801.P079		
Sheet	7	of	8

U.S. PATENT DOCUMENTS				
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Number			
PSA	5,873,069		Reuhl, et al.	2/16/1999
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
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OTHER DOCUMENTS		
Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
PSA	ZWASS, Vladimir, "Electronic Commerce: Structures and Issues", <u>International Journal of Electronic Commerce</u> , Fall 1996, Pages 3-23, Vol. 1, No. 1, pp 3-23 (www.cba.bgsu.edu).	
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	RESNICK, Paul; ZECKHAUSER, Richard; FRIEDMAN, Eric; KUWABARA, Ko, "Reputation Systems", Association for Computing Machinery, <u>Communications of the ACM</u> , vol. 43, no. 12, pp 45-48 (Dialog)	
	MEADE, Jim, visual 360: a performance appraisal system that's "fun". <u>HR Magazine</u> , July, 1999 (Dialog file).	

Examiner Signature		Date Considered	1/12/00
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



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			Filing Date	Herewith	
			First Named Inventor		
			Group Art Unit	Not Yet Assigned	
Examiner Name	Not Yet Assigned				
Attorney Docket Number	003801.P079				
Sheet	8	of	8		

U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			

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Examiner Signature		Date Considered	1/19/06
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Notice of References Cited	Application/Control No. 10/252,126	Applicant(s)/Patent Under Reexamination VERES ET AL.	
	Examiner William J. Allen	Art Unit 3625	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0082877	06-2002	Hammond et al.	705/37
*	B	US-2002/0123959	09-2002	Mozley et al.	705/37
*	C	US-6,415,270	07-2002	Rackson et al.	705/36R
*	D	US-6,151,589	11-2000	Aggarwal et al.	705/36R
*	E	US-6,058,379	05-2000	Odom et al.	705/37
*	F	US-2001/0039531	11-2001	Aoki, Yoshinori	705/37
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
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*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U /	Grubbs, Linda, "Top 5 Auction Utilities". PC World.com. SAn Francisco, CA. Dec. 4, 200. pg. 1. [recovered from ProQuest January 18, 2006].
	V /	"Hello Direct Store Joins eBay Network of Merchants". PR Newswire. New York, NY. May 23, 2002. pg. 1. [recovered from ProQuest January 18, 2006].
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 702.06(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



409_A_T_00434

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2043.079451

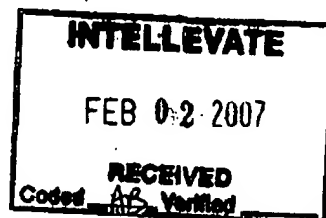
4_A_T_13181

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,126	09/20/2002	Robert Dean Veres	3801P079	4543
49845	7590	01/30/2007		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER ALLEN, WILLIAM J	
			ART UNIT	PAPER NUMBER
			3625	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



Schwegman Lundberg
Woessner & Kluth P.A.

FEB 02 2007

RECEIVED

Office Action Summary	Application No. 10/252,126	Applicant(s) VERES ET AL.	
	Examiner William J. Allen	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-26 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

Claims 1-17 and 27-51 were canceled per applicant's amendment filed 5/8/2006.

Claims 18-26 and 52 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/3/2006 has been entered.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 52 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Merely claiming nonfunctional descriptive material (i.e. abstract ideas) stored in some computer readable medium, either in a computer or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86 USPQ at 8. A claimed signal does not itself have physical structure nor does a claimed signal perform any useful, concrete, or tangible result. Thereby, a signal, which is a form of energy and an abstract idea, does not fall within one of the four statutory classes of subject matter.

In the instant application, Applicant includes a “carrier wave” as the computer readable medium (see at least: Specification, Page 61 lines 14-16). Thereby, because the claim recites a computer readable medium, which can include a “carrier wave”, the claim encompasses non-statutory subject matter and is hereby rejected under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 18, 20-26, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al. (US 20020082977) in view of Santosuosso (US 20030110047).**

Regarding claim 18, Hammond discloses a system for allowing sellers to list multiple auctions based on data retrieved from an auction mining system, enabling maximization of revenue by the seller (see at least: abstract, 0106, 0120). Hammond further teaches:

receiving a data file at the network-based transaction facility from the seller at a client machine, the data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time (see at least: Paragraphs 6, 13, 108, 114, 0119, Fig. 1 and 4);

scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time (see at least: Paragraphs 40-43, 114, 119, 120);

publishing each of the plurality of transaction listings at the network based transaction facility according to a respective associated time (see at least: Paragraphs 40-43, 114, 119, 120).

Art Unit: 3625

In addition, Hammond shows that a seller lists the auctions at an auction web-site, and further teaches where the system may automatically perform the necessary steps for a seller (see at least: 0022-0023, 0006, 0120, 0125-0126). The Examiner additionally notes that, in order to facilitate the transfer of information from the seller electronically as in the case of Hammond, some type of seller program or "application" is used. More specifically, applications such as web browsers are often utilized by sellers (as well as buyers) to communicate with web servers to send and receive information to a host server. Despite such an implicit suggestion, it is not explicitly taught in Hammond that the information is transmitted *from a seller application executed at the client machine*.

In the same field of endeavor, Santosuosso teaches a computer implemented method of selling through an online auction (see at least: abstract). Santosuosso further teaches where a seller web browser (i.e. *a seller application executed at the client machine*) is operable to send and receive data to the auction website. (see at least: 0029, 0031-0032).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Hammond to have included *a seller application executed at the client machine* as taught by Santosuosso in order to provide a system that can be used in conjunction with a variety of auction systems that it is operable for restricting access to an auction event by automatically terminating submitted bids that do not meet the criteria established by the seller, thereby avoiding a legally binding agreement with bidders whose history may be called into question. (see at least: Santosuosso, 0005-0006, 0013).

Regarding claims 20-26, Hammond in view of Santosuosso further teaches:

(20) *wherein each of the associated start times for each of the plurality of transaction listings in the data file is specific to a respective transaction listings* (see at least: Paragraphs 40-43, 114, 119, 120).

(21) *wherein each of the associated start time includes a starting data and time* (see at least: Paragraphs 40-43, 114).

(22) *wherein each of the associated start times for each of the plurality of transactions listings in the data file is different* (see at least: Hammond, 0114, 0119, 0120).

(23) *wherein the associated start times of the plurality of transaction listings define a staggered publication schedule for a plurality of transaction listings* (see at least: Hammond, 0119, 0120). The Examiner notes that starting auctions at a different rate thereby provides a staggered publication schedule.

(24) *wherein the staggered time is user selectable* (see at least: Hammond, 0110, 0119, 0120).

(25) *wherein start times are staggered according to a user selectable amount of time* (see at least: Hammond, 0110, 0119, 0120).

(26) *updating the transaction listing and their respective associated start times after the receiving of the data file at the network based transaction facility* (see at least: Hammond, 0110, Fig. 3).

Regarding claim 52, the limitations set forth in claim 52 closely parallel the limitations of claim 18. Claim 52 is thereby rejected under the same rationale.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond in view of Santosuosso as applied to claim 18, and further in view of Mozley et al. (US 20020123959).

Regarding claim 19, Hammond in view of Santosuosso teaches all of the above as noted and further teaches providing a seller access to refine variables of auction offerings (see at least: Hammond, 0110). Hammond in view of Santosuosso, however, does not expressly teach *verifying user login information supplied by the seller application before receiving the data file*. Mozley teaches a real estate auction system wherein sellers are registered with the system. Furthermore, Mozley teaches *verifying user login information supplied by the seller application before receiving the data file* (see at least: Fig. 3, 0017, 0021-0023, 0025, 0026). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Hammond in view of Santosuosso to have included *verifying login information* as taught by Mozley in order to provide secure access to a seller administration area, thereby allowing a seller to post new auctions, obtain auction summaries, and other pertinent information (see at least: Mozley, 0089, 0137).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
January 22, 2007

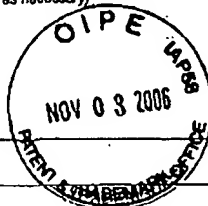

YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3800

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Sheet 1 of 1

Complete if Known

Application Number	10/252,126
Filing Date	September 20, 2002
First Named Inventor	Veres, Robert
Group Art Unit	3625
Examiner Name	Allen, William

Attorney Docket No: 2043.079US1

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Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date if Appropriate
<i>ESA</i>	US-20020046137A1	04/18/2002	Odom, J. M., et al.	12/07/2001
	US-20020073111A1	06/13/2002	Heyliger, D. K.	06/27/2001
	US-20020082953A1	06/27/2002	Batham, P., et al.	01/31/2002
	US-20030083952A1	05/01/2003	Simpson, S. S., et al.	10/29/2001
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	US-20030167213A1	09/04/2003	Jammes, P. J., et al.	06/04/2002
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	US-5,846,265	12/08/1998	McGregor, R., et al.	07/26/1996
	US-7,076,453	07/11/2006	Jammes, P. J., et al.	06/04/2002

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Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T*
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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T*
<i>ESA</i>		"New eBay-like auction software released", <u>Business Wire</u> , Business Editors/High-Tech Writers; Business Wire; New York, (Mar. 17, 1999), 2 pp.	
		"Yahoo Homepage", <u>Internet Archive Wayback Machine</u> , http://web.archive.org/web/19991003015603/http://www.yahoo.com/index.html , (Oct. 3, 1999), 1 p.	
		"Yahoo! - Regional: Countries: Afghanistan", http://web.archive.org/web/20060921181441/http://dir.yahoo.com/Regional/countries/afghanistan , (June 16, 1997),	
		"Yahoo! - Regional: Countries: Sweden", http://web.archive.org/web/19970616194441/www.yahoo.com/Regional/Countries/Sweden/ , (June 16, 1997),	

EXAMINER

DATE CONSIDERED

11/22/06

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional) * Applicant is to place a check mark here if English language translation is attached

Notice of References Cited	Application/Control No. 10/252,126	Applicant(s)/Patent Under Reexamination VERES ET AL.	
	Examiner William J. Allen	Art Unit 3625	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0110047 A1	06-2003	Santosuosso, John Matthew	705/1
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/252,126	09/20/2002	Robert Dean Veres	3801P079	4543

21186 7590 06/27/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

ALLEN, WILLIAM J

ART UNIT PAPER NUMBER

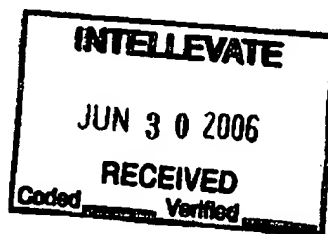
3625

DATE MAILED: 06/27/2006

T_SLW10549

EBY00091

Please find below and/or attached an Office communication concerning this application or proceeding.



Schwegman, Lundberg,
Woessner & Kluth, P.A.

JUN 30 2006

RECEIVED

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>10/252,126</p>	<p>Applicant(s)</p> <p>VERES ET AL.</p>	
	<p>Examiner</p> <p>William J. Allen</p>	<p>Art Unit</p> <p>3625</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-26 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/8/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

Claims 1-17 and 27-51 were canceled per applicant's amendment filed 5/8/2006.

Claims 18-26 and 52 are pending.

Information Disclosure Statement

The Information Disclosure Statement filed 5/8/2006 has been considered. The Examiner notes that there is no IDS of record with a filing date of December 29, 2006; however, all Information Disclosure Statements known to the Examiner have been considered.

Response to Arguments

1. Applicant's arguments filed 5/8/2006 have been fully considered but they are not persuasive.

The Examiner asserts that Hammond does show a seller application transmitting a plurality of transactions listings as described in claim 18. More particularly, Hammond shows an auction mining system and associated methods to "provide auction-related data that enable **auction sellers** to list items so as to increase or maximize the likely revenue generated from the sale of the items through auctions" (see at least: Hammond, abstract, 0006). In Hammond, it is the sellers of an auction item that use the mining system and methods to retrieve auction related, thereby allowing them to list the item in the most effective manner. Additionally, Hammond includes:

"a web crawling engine is configured to mine auction web sites for auction market data for a product of interest. The market data preferably includes listing options or variables (e.g., duration, opening bid) as well as closing bid prices. The data is analyzed to identify correlations between item listing options and desirable auction results, such as closing bid price. In one embodiment, a multivariable curve fitting is performed based upon the accumulated data to create a function that yields auction revenue as a function of listing options. A set of options that corresponds to the maximum of this function is identified as an optimal set of listing options for a product" (see at least: 0007).

The auction seller uses the application and publishes the listing based on the data/analyses from the system (see at least: Fig. 3-4). The web crawling engine, as well as the disclosed system and methods of mining auction data, fully constitute a *seller application*. Microsoft Press Computer Dictionary, third edition, defines an "application" as a program designed to assist in the performance of a specific task. In light of this definition, Hammond fully teaches transmission using a *seller application*.

Applicant further contests that Hammond does not disclose "scheduling publication of the plurality of transaction listings at the network-based transaction facility according to the associated start time" and "publishing each of the plurality of transaction listings at the network-based transaction facility according to the respective start time". The Examiner points out that, in Hammond, the listings of an auction seller are scheduled and published based on the data/analyses of the system/methods (see at least: Fig. 3). More particularly, the system and methods of Hammond (i.e. the *seller*

Art Unit: 3625

application) "measures the times (day of the week, hour, etc.) at which products sell for the best price". The measured data is used in subsequent analysis and determines optimal times to schedule listings of products (see at least: 0092-0095, 0106, Fig. 3-4). Additionally, Hammond provides "multiple times at which multiple similar or identical items can be listed to trickle the items out to the market to compensate for low demand over time" (see: 0095). To reiterate, the system and associated methods of Hammond carry out the above techniques, thereby, those techniques are carried out by a *seller application*. Thereby, Hammond teaches "scheduling publication of the plurality of transaction listings at the network-based transaction facility according to the associated start time" and "publishing each of the plurality of transaction listings at the network-based transaction facility according to the respective start time".

Applicant's remarks filed with regards to claim 19 have been considered but are not persuasive for the reasons listed above.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 18, 20-26, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Hammond et al. (US 2002/0082977, herein referred to as Hammond).**

Regarding claim 18, Hammond discloses:

receiving a data file at the network-based transaction facility from the seller application executed at a client machine, the data file including a plurality of transaction listings, each of the plurality of transaction listings including an associated start time (see at least: Paragraphs 6, 13, 108, 114; Fig. 1, 4);

scheduling publication of each of the plurality of transaction listings at the network-based transaction facility according to the associated start time (see at least: Paragraphs 40-43, 114, 119, 120);

publishing each of the plurality of transaction listings at the network based transaction facility according to a respective associated time (see at least: Paragraphs 40-43, 114, 119, 120).

Regarding claim 20, Hammond further discloses *wherein each of the associated start times for each of the plurality of transaction listings in the data file is specific to a respective transaction listings* (see at least: Paragraphs 40-43, 114, 119, 120).

Regarding claim 21, Hammond further discloses *wherein each of the associated start time includes a starting data and time* (see at least: Paragraphs 40-43, 114).

Regarding claim 22, Hammond further discloses *wherein each of the associated start times for each of the plurality of transactions listings in the data file is different* (see at least: Paragraphs 114, 119, 120).

Regarding claim 23 Hammond further discloses *wherein the associated start times of the plurality of transaction listings define a staggered publication schedule for a plurality of transaction listings* (see at least: Paragraphs 119, 120). The Examiner notes that starting auctions at a different rate thereby provides a staggered publication schedule.

Regarding claim 24, Hammond further discloses *wherein the staggered time is user selectable* (see at least: Paragraphs 110, 119, 120).

Regarding claim 25, Hammond further discloses *wherein start times are staggered according to a user selectable amount of time* (see at least: Paragraphs 110, 119, 120).

Regarding claim 26, Hammond further discloses *updating the transaction listing and their respective associated start times after the receiving of the data file at the network based transaction facility* (see at least: Paragraph 110; Fig. 3).

Regarding claim 52, the limitations set forth in claim 52 closely parallel the limitations of claim 18. Claim 52 is thereby rejected under the same rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond (US 2002/0082977) in view of Mozley et al. (US 2002/0123959, herein referred to as Mozley).**

Regarding claim 19, Hammond teaches all of the above as noted and further teaches providing a seller access to refine variables of auction offerings (see at least: Paragraph 110). Hammond, however, does not expressly teach *verifying user login information supplied by the seller application before receiving the data file*. Mozley teaches a real estate auction system wherein sellers are registered with the system. Furthermore, Mozley teaches *verifying user login information supplied by the seller application before receiving the data file* (see at least: Fig. 3, 17, 21-23, 25, 26). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Hammond to have included verifying login information as taught by Mozley in order to provide secure access to a seller administration area, thereby allowing a seller to post new auctions, obtain auction summaries, and other pertinent information (see at least: Paragraphs 89, 137).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6202051 to Woolston discloses facilitating internet commerce through inter-networked auctions
- JP 2004094643 to Hirotsu discloses an auction exhibition management system

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Fadok can be reached on (571) 272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

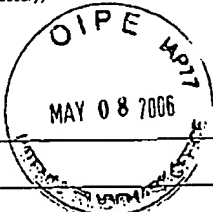
Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
June 20, 2006

W. J. Allen
Article SPE 3625
mark fixed

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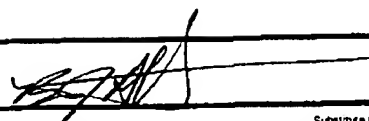
Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	10/252,126
		Filing Date	September 20, 2002
		First Named Inventor	Veres, Robert
		Group Art Unit	3625
		Examiner Name	Allen, William
Sheet 1 of 1		Attorney Docket No: 2043.079US1	

US PATENT DOCUMENTS				
Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
BZA	US-20020099562A1	07/25/2002	Bruce, M. G., et al.	07/31/2001
BZA	US-6,134,533	10/17/2000	Shell, A. M.	11/25/1996
BZA	US-6,336,105	01/01/2002	Conklin, Jeffrey, et al.	11/16/1998

FOREIGN PATENT DOCUMENTS				
Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		Filing Date If Appropriate

EXAMINER



DATE CONSIDERED

6/20/06

Substitute Disclosure Statement Form (PTO-1448)

* EXAMINER: Initial if reference considered, whether or not citation is in compliance with MPEP 809. Draw the through citation if not in compliance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional) * Applicant is to place a check mark here if English language Translation is attached

Notice of References Cited	Application/Control No. 10/252,126	Applicant(s)/Patent Under Reexamination VERES ET AL.	
	Examiner William J. Allen	Art Unit 3625	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,202,051	03-2001	Woolston, Thomas G.	705/27
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	JP 2004094643	05-2004	Japan	Hirotsu	G06F 017/60
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

S/N 09/976,301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steve Grove

Examiner: David E. England

Serial No.: 09/976,301

Group Art Unit: 2143

Filed: October 11, 2001

Docket No.: 2043.053US1

Title: SYSTEM AND METHOD TO FACILITATE TRANSLATION OF
COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK

**AMENDMENT, REMARKS & REQUEST FOR CONTINUED EXAMINATION UNDER
37 C.F.R. 1.114**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Advisory Action mailed November 30, 2006 and the Final Office Action mailed August 25, 2006, please amend the claims as indicated below, consider the remarks contained herein, and grant a Request for Continued Examination (RCE).

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a one-month extension of the period for responding to the Office action, thereby moving the deadline for response from November 25, 2006 to December 25, 2006.

IN THE CLAIMS

Please amend the claims as follows.

1. (Currently Amended) A method to facilitate translation of communications between entities over a network, said method comprising:
 - communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;
 - responsive to receipt of a selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, said identifying based on entity information relating to a second entity and said selected language construct; and
 - communicating said translated language construct to ~~[[a]]~~ said second entity as a second transmission over said network, ~~wherein~~ said selected language construct is a predetermined question that is asked by said first entity, ~~and translated~~ said translated language construct is a translation of said predetermined question that is identified responsive to receipt of said selection by said first entity.
 2. (Original) The method according to claim 1, further comprising communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.
 3. (Currently Amended) The method according to claim 1, wherein said identifying further comprises:
 - retrieving said entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and
 - retrieving said translated language construct from a table based on said entity information and said selected language construct.
-

4. (Original) The method according to claim 3, wherein said entity information further comprises a language preference of said second entity.
 5. (Previously Presented) The method according to claim 1, wherein said predetermined question is asked by said first entity in an electronic commerce transaction over said network.
 6. (Original) The method according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.
 7. (Original) The method according to claim 1, wherein said second transmission is an electronic mail message.
 8. (Original) The method according to claim 3, wherein said identifier of said second entity is an electronic mail address of said second entity.
 9. (Original) The method according to claim 1, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.
 10. (Original) The method according to claim 1, further comprising, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.
-

11. (Original) The method according to claim 10, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

12. (Currently Amended) A machine-readable medium storing executable instructions, which, when executed in a processing system, cause said processing system to perform a method to facilitate translation of communications between entities over a network, said method comprising:

communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

responsive to receipt of a selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, said identifying based on entity information relating to a second entity and said selected language construct; and

communicating said translated language construct to ~~[[a]]~~ said second entity as a second transmission over said network, ~~wherein~~ said selected language construct is a predetermined question that is asked by said first entity, ~~and translated~~ said translated language construct is a translation of said predetermined question that is identified responsive to receipt of said selection by said first entity.

13. (Original) The computer readable medium according to claim 12, wherein said method further comprises communicating to a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

14. (Currently Amended) The computer readable medium according to claim 12, wherein said identifying further comprises:

retrieving said entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

retrieving said translated language construct from a table based on said entity information and said selected language construct.

15. (Original) The computer readable medium according to claim 14, wherein said entity information further comprises a language preference of said second entity.

16. (Previously Presented) The computer readable medium according to claim 12, wherein said predetermined question is asked by said first entity in an electronic commerce transaction over said network.

17. (Original) The computer readable medium according to claim 12, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

18. (Original) The computer readable medium according to claim 12, wherein said second transmission is an electronic mail message.

19. (Original) The computer readable medium according to claim 14, wherein said identifier of said second entity is an electronic mail address of said second entity.

20. (Original) The computer readable medium according to claim 12, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

21. (Original) The computer readable medium according to claim 12, wherein said method further comprises, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

22. (Original) The computer readable medium according to claim 12, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

23. (Currently Amended) A system to facilitate translation of communications between entities over a network, said system comprising:

means for communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

means for identifying a translated language construct corresponding to ~~said selected a~~ language construct selected from said plurality of predetermined language constructs, said identifying based on entity information relating to a second entity and said selected language construct, said identifying responsive to receipt of said selection by said first entity of a said selected language construct of said plurality of predetermined language constructs; and

means for communicating said translated language construct to ~~[[a]]~~ said second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity, and translated said translated language construct is a translation of said predetermined question that is identified responsive to receipt of said selection by said first entity.

24. (Original) The system according to claim 23, further comprising means for communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

25. (Currently Amended) The system according to claim 23, further comprising:
means for retrieving the entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and
means for retrieving said translated language construct from a table based on said entity information and said selected language construct.

26. (Original) The system according to claim 25, wherein said entity information further comprises a language preference of said second entity.

27. (Previously Presented) The system according to claim 23, wherein said predetermined question is asked by said first entity in an electronic commerce transaction over said network.

28. (Original) The system according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

29. (Original) The system according to claim 23, wherein said second transmission is an electronic mail message.

30. (Original) The system according to claim 25, wherein said identifier of said second entity is an electronic mail address of said second entity.

31. (Original) The system according to claim 23, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

32. (Original) The system according to claim 23, further comprising, at a network-based transaction facility, means for storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

33. (Original) The system according to claim 32, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

34. (Currently Amended) A system to facilitate translation of communications between entities over a network, said system comprising:

a communications server to communicate a plurality of predetermined language constructs to a first entity as a first transmission over said network; and

a processing server to identify a translated language construct corresponding to a language construct [[of]] selected from said plurality of predetermined language constructs, said identifying based on entity information relating to a second entity and said selected language construct, said identifying responsive to receipt of said selection by said first entity of said language construct;

said communication server further to communicate said translated language construct to a said second entity as a second transmission over said network, ~~wherein~~ said selected language construct is a predetermined question that is asked by said first entity, ~~and translated said translated language construct is a translation of said predetermined question that is identified~~ responsive to said selection by said first entity.

35. (Original) The system according to claim 34, wherein said communications server further communicates a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

36. (Currently Amended) The system according to claim 34, wherein said processing server further retrieves said entity information relating to said second entity based on an identifier of said second entity selected by said first entity, and retrieves said translated language construct from a table based on said entity information and said selected language construct.

37. (Original) The system according to claim 36, wherein said entity information further comprises a language preference of said second entity.

38. (Previously Presented) The system according to claim 34, wherein said predetermined question is asked by said first entity in an electronic commerce transaction over said network.

39. (Original) The system according to claim 34, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

40. (Original) The system according to claim 34, wherein said second transmission is an electronic mail message.

41. (Original) The system according to claim 36, wherein said identifier of said second entity is an electronic mail address of said second entity.

42. (Original) The system according to claim 34, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

43. (Original) The system according to claim 34, wherein, at a network-based transaction facility, said processing server further stores said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

44. (Original) The system according to claim 43, wherein said storing by said processing server is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

45. (Previously Presented) The method of claim 1, wherein said predetermined question is translated responsive to said selection of said first entity by retrieving said translated language construct from a table that includes a plurality translated language constructs of said predetermined question that are respectively translated into different languages.

46. (Previously Presented) The method of claim 45, wherein the second transmission includes a plurality of interactive fields to allow said second entity to respond to said predetermined question that is asked by said first entity.

47. (Previously Presented) The method of claim 46, wherein said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively respond to said predetermined question and are respectively translated into a second language based on a language preference of said second entity.

48. (Previously Presented) The method of claim 47, further including receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity.

REMARKS

This responds to the Final Office Action mailed on August 25, 2006 and the Advisory Action mailed November 20, 2006.

Claims 1, 3, 12, 14, 23, 25, 34, and 36 are amended; as a result, claims 1-48 are now pending in this application.

Interview Summary

Applicant thanks **David E. England** for the courtesy of a telephone interview on **December 5, 2006** with Applicant's representative **Mark Vatuone**. Examiner England and Mark Vatuone discussed the independent claims of the present application. Examiner England requested the independent claims be amended to recite additional technical features. No agreement was reached.

§103 Rejection of the Claims

Claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan et al. (U.S. 5,966,685; hereinafter Flanagan).

Applicant respectfully submits that claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 should not be rejected under 35 U.S.C. § 103(a) for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application, as required for a prima facie case of obviousness.

Claim 1 includes the following limitations:

responsive to receipt of a selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, said identifying based on entity information relating to a second entity and said selected language construct; and

communicating said translated language construct to a said second entity as a second transmission over said network, said selected language construct is a predetermined question that is asked by said first entity, said translated language construct is a translation of said predetermined question that is identified responsive to receipt of said selection by said first entity.

The Final Office Action alleges that the above limitation is taught or suggested by the following quotes from Flanagan:

FIG. 2 illustrates the message structuring of one embodiment of the present invention. Upon logging onto a discussion group, the user may choose his or her language preference. ...

Col. 4, lines 21-28.

The MT Model has three views that are each separate CompuServe discussion groups -- one in English (EMCIMSU) 58, one in French (FMCIMSU) 60, and one in German (DMCIMSU) 62. A user may only see one view at a time. All three discussion groups contain the same message content and configuration. In this Example, the following translation directions occur: English to French; English to German; French to English; and German to English.

Col. 5, lines 45-52.

The above quotes from Flanagan describe discussion groups for a user to communicate with other users who speak the same or a different language (Abstract). The first quote describes a user who logs into a discussion group and chooses a language. For example, the user may choose the English language. The second quote describes (Col. 5, lines 41-43) three CompuServe discussion groups (e.g., English, French, and German) that respectively correspond to views. A user may see one view at a time (e.g., English view) however all three views (e.g., discussion groups) contain the same message content and configuration.

Claim 1 of the present application requires receipt of a selection of a language construct that is a predetermined question that is asked by a first entity and used to identify a translated language construct of the same predetermined question, the identification responsive to receipt of the selection of the selected language construct. Merely for example, a language construct may include the predetermined question "What is your address?" that is asked by a first entity. Continuing with the example, the language construct (e.g., English - "What is your address?") may be used to identify a translated language construct (e.g., French - "What is your address?"), the identification responsive to receipt of the first entity's selection of the language construct

(e.g., English – “What is your address?”). In contrast to the above limitations from claim 1, the above quotes from Flanagan merely describe a user that chooses a language. Indeed, nowhere in the above quotes does Flanagan describe receipt of a selection of a language construct that is used to identify a translated language construct, the identification responsive to receipt of the first entity’s selection of the selected language construct. The Final Office Action states:

Examiner has stated that selecting a language as taught in Flanagan could be interpreted as asking a question. The translation “pairings”, example English to French, could also be interpreted as a user being queried, “What would you like to translate this to?” Anyone of ordinary skill in the art could interpret this type of language selection as a type of question. As stated before, it can be implied that this system is “asking a question” even though it is not stated in propositional phrase.

Final Office Action, Page 9, paragraph 30.

If the “system” from Flanagan is analogous to the “first entity” in claim 1 and the pairing “English to French” from Flanagan is analogous to the “translated language construct” in claim 1, then the above quotes from Flanagan fail to describe the language construct much less a selection of the language construct, much less using the selected language construct to identify the translated language construct, much less the identification being responsive to the first entity selecting the language construct. Moreover, Applicant does not agree with the Final Office Action’s interpretation of the pairing “English to French” as a query to a user. Applicant submits that the pairing “English to French” is not a query to a user but rather an answer. Indeed, the above quote from the Final Office Action identifies “What would you like to translate this to?” as the question. To be sure, a juxtaposition of answers (e.g., “parings”) cannot be the same as a question in the form of a predetermine language construct that is selected (e.g., “What is your address?”). Indeed, Applicant submits that Flanagan describes the selection of an answer and not a question, as required by claim 1.

Further, the differences between the subject matter recited in claim 1 and the system described by Flanagan are not trivial. The subject matter of claim 1 provides advantages over the system described by Flanagan. For example, Flanagan describes a system that translates messages that may be entered by users that participate in the above described discussion groups (e.g., English, French German). As such, Flanagan does not describe language constructs that include predetermined questions that are asked by a first entity and used to identify a translated

language construct, the identification responsive to receipt of the first entity's selection of the language construct. Indeed, the present application describes the translation described by Flanagan as 1) expensive, 2) utilizing considerable storage capacity, 3) exhibiting imperfect translation; and, 4) producing grammatically incorrect sentences, respective deficiencies identified in the prior art by the present application (Application, paragraphs 2-4).

Flanagan therefore cannot be said to teach or suggest the above quoted limitations because Flanagan describes a user that chooses a language and claim 1 requires a selected language construct that is a predetermined question that is asked by a first entity and used to identify a translated language construct, the identification responsive to receipt of the first entity's selection of the selected language construct.

The above remarks are also applicable to a consideration of independent claims 12, 23, and 34.

In summary, Flanagan in combination with Scanlan in combination with Christy does not teach or suggest each and every limitation of claims 1, 12, 23, and 34 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4046

Date 12.19.2006

By Mark R. Vatuone
Mark R. Vatuone
Reg. No. 53,719

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Peter Rubuffoni
Name

Peter Rubuffoni
Signature

EXPEDITED PROCEDURE – EXAMINING GROUP 2143

S/N 09/976,301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steve Grove	Examiner:	David E. England
Serial No.:	09/976,301	Group Art Unit:	2143
Filed:	October 11, 2001	Docket No.:	2043.053US1
Title:	SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK		

RESPONSE UNDER 37 C.F.R. 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action mailed August 25, 2006, please consider the following remarks:

REMARKS

This responds to the Final Office Action mailed on August 25, 2006.

Claims 1-48 are now pending in this application.

§103 Rejection of the Claims

Claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan et al. (U.S. 5,966,685; hereinafter Flanagan).

Applicant respectfully submits that claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 should not be rejected under 35 U.S.C. § 103(a) for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 25 includes the following limitations:

responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and

communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

The Final Office Action alleges that the above limitation is taught or suggested by the following quotes from Flanagan:

FIG. 2 illustrates the message structuring of one embodiment of the present invention. Upon logging onto a discussion group, the user may choose his or her language preference. ...

Col. 4, lines 21-28.

The MT Model has three views that are each separate CompuServe discussion groups -- one in English (EMCIMSU) 58, one in French (FMCIMSU) 60, and one in German (DMCIMSU) 62. A user may only see one view at a time. All three discussion groups contain the same message content and configuration. In this Example, the following translation directions occur: English to French; English to German; French to English; and German to English.

Col. 5, lines 45-52.

The above quotes from Flanagan describe discussion groups for a user to communicate with other users who speak the same or a different language (Abstract). The first quote describes a user who logs into a discussion group and chooses a language. For example, the user may choose the English language. The second quote describes an embodiment of the invention (Col. 5, lines 41-43) that includes three CompuServe discussion groups (e.g., English, French, and German) that respectively correspond to views. A user may see one view at a time (e.g., English view) however all three views (e.g., discussion groups) contain the same message content and configuration.

Claim 1 requires a selected language construct that is a predetermined question that is asked by a first entity and translated to a translated language construct responsive to a selection of the selected language construct by the first entity. Merely for example, a language construct may include the predetermined question "What is your address?" that is asked by a first entity. Continuing with the example, the language construct (e.g., English – "What is your address?") may be translated to a translated language construct (e.g., French - "What is your address?") responsive to the first entity selecting the language construct (e.g., English – "What is your address?"). In contrast to the above limitations from claim 25, the above quotes from Flanagan merely describe a user that chooses a language. Indeed, nowhere in the above quotes does

Flanagan describe a selected language construct that is translated to a translated language construct responsive to a selection of the selected language construct by the first entity. The Final Office Action states:

Examiner has stated that selecting a language as taught in Flanagan could be interpreted as asking a question. The translation “pairings”, example English to French, could also be interpreted as a user being queried, “What would you like to translate this to?” Anyone of ordinary skill in the art could interpret this type of language selection as a type of question. As stated before, it can be implied that this system is “asking a question” even though it is not stated in propositional phrase.

Final Office Action, Page 9, paragraph 30.

If the “system” from Flanagan is analogous to the “first entity” in claim 1 and the pairing “English to French” from Flanagan is analogous to the “translated language construct” in claim 1 then the above quotes from Flanagan fail to describe the language construct much less a selection of the language construct much less a translation of the selected language construct to the translated language construct much less the translation being responsive to the first entity selecting the language construct. Moreover, Applicant does not agree with the Final Office Action’s interpretation of the pairing “English to French” as a query to a user. Applicant submits that the pairing “English to French” is not a query to a user but rather an answer. Indeed, the above quote from the Final Office Action identifies “What would you like to translate this to?” as the question. To be sure, a juxtaposition of answers (e.g., “parings”) cannot be the same as a question in the form of a predetermine language construct that is selected (e.g., “What is your address?”). Indeed, Applicant submits that Flanagan describes the selection of an answer and not a question, as required by claim 25.

Further, the differences between the subject matter recited in claim 25 and the system described by Flanagan are not trivial. The subject matter of claim 25 provides advantages over the system described by Flanagan. For example, Flanagan describes a system that translates messages that may be entered by users that participate in the above described discussion groups (e.g., English, French German). As such, Flanagan does not describe language constructs that include predetermined questions that are asked by a first entity and translated to a translated

language construct responsive⁸⁰ to selection of the language construct by the first entity. Indeed, the present application identifies the type of translation described by Flanagan as 1) expensive, 2) utilizing considerable storage capacity, 3) exhibiting imperfect translation; and, 4) producing grammatically incorrect sentences, respective deficiencies identified in the prior art by the present application (Application, paragraphs 2-4).

Flanagan therefore cannot be said to teach or suggest the above quoted limitations because Flanagan describes a user that chooses a language and claim 1 requires a selected language construct that is a predetermined question that is asked by a first entity and translated to a translated language construct responsive to a selection of the selected language construct by the first entity.

Claims 2, 6-7, 13, 17-18, 24, 28-29, 35, 39-40 and 46-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan et al. in view of Scanlan (U.S. 6,857,022).

Claims 2, 6, 7, and 46-48 depend on independent claim 1; claims 13 and 17-18 depend on independent claim 12; claim 24, 28 and 29 depend on independent claim 23; and, claim 35, 39 and 40 and depend on independent claim 34. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2, 6, 7, 13, 17-18, 24, 28, 29, 35, 39, 40 and 46-48 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 8, 19, 30 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan et al. in view of Christy (U.S. 6,301,554).

Claim 8 depends on independent claim 1; claim 19 depends on independent claim 12; claim 30 depends on independent claim 23; and, claim 31 depends on independent claim 34. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 8, 19, 30 and 41 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Flanagan in combination with Scanlan in combination with Christy does not teach or suggest each and every limitation of claims 1, 12, 23, and 34 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE

By his Representatives,

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Date 10.24.2006
M.

By Mark R. Vatuone
Mark R. Vatuone
Reg. No. 53,719

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Peter Robuffeni
Name

[Signature]
Signature

EXPEDITED PROCEDURE – EXAMINING GROUP 2143

S/N 09/976,301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steve Grove	Examiner:	David E. England
Serial No.:	09/976,301	Group Art Unit:	2143
Filed:	October 11, 2001	Docket No.:	2043.053US1
Title:	SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK		

**AMENDMENT & RESPONSE UNDER 37 C.F.R. 1.116 AND REQUEST FOR
CONTINUED EXAMINATION UNDER 37 C.F.R. 1.114**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action mailed July 13, 2005 and the Advisory Action mailed September 30, 2005, please grant a request for continued examination, consider the remarks below and amend the application as follows:

IN THE CLAIMS

Please amend the claims as follows.

1. (Currently Amended) A method to facilitate translation of communications between entities over a network, said method comprising:
 - communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;
 - responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and
 - communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.
2. (Original) The method according to claim 1, further comprising communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.
3. (Original) The method according to claim 1, wherein said identifying further comprises:
 - retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and
 - retrieving said translated language construct from a table based on said entity information and said selected language construct.
4. (Original) The method according to claim 3, wherein said entity information further comprises a language preference of said second entity.

5. (Currently Amended) The method according to claim 1, wherein ~~said selected language construct is a~~ said predetermined question ~~to be~~ is asked by said first entity in an electronic commerce transaction over said network.
6. (Original) The method according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.
7. (Original) The method according to claim 1, wherein said second transmission is an electronic mail message.
8. (Original) The method according to claim 3, wherein said identifier of said second entity is an electronic mail address of said second entity.
9. (Original) The method according to claim 1, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.
10. (Original) The method according to claim 1, further comprising, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.
11. (Original) The method according to claim 10, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

12. (Currently Amended) A machine-readable medium storing executable instructions, which, when executed in a processing system, cause said processing system to perform a method to facilitate translation of communications between entities over a network, said method comprising:

communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and

communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

13. (Original) The computer readable medium according to claim 12, wherein said method further comprises communicating to a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

14. (Original) The computer readable medium according to claim 12, wherein said identifying further comprises:

retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

retrieving said translated language construct from a table based on said entity information and said selected language construct.

15. (Original) The computer readable medium according to claim 14, wherein said entity information further comprises a language preference of said second entity.

16. (Currently Amended) The computer readable medium according to claim 12, wherein said ~~selected language construct is a~~ predetermined question ~~to be~~ is asked by said first entity in an electronic commerce transaction over said network.
17. (Original) The computer readable medium according to claim 12, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.
18. (Original) The computer readable medium according to claim 12, wherein said second transmission is an electronic mail message.
19. (Original) The computer readable medium according to claim 14, wherein said identifier of said second entity is an electronic mail address of said second entity.
20. (Original) The computer readable medium according to claim 12, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.
21. (Original) The computer readable medium according to claim 12, wherein said method further comprises, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.
22. (Original) The computer readable medium according to claim 12, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

23. (Currently Amended) A system to facilitate translation of communications between entities over a network, said system comprising:

means for communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

means for identifying a translated language construct corresponding to said selected language construct, responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs; and

means for communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

24. (Original) The system according to claim 23, further comprising means for communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

25. (Original) The system according to claim 23, further comprising:

means for retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

means for retrieving said translated language construct from a table based on said entity information and said selected language construct.

26. (Original) The system according to claim 25, wherein said entity information further comprises a language preference of said second entity.

27. (Currently Amended) The system according to claim 23, wherein said ~~selected language construct is a~~ predetermined question ~~to be~~ is asked by said first entity in an electronic commerce transaction over said network.

28. (Original) The system according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.
29. (Original) The system according to claim 23, wherein said second transmission is an electronic mail message.
30. (Original) The system according to claim 25, wherein said identifier of said second entity is an electronic mail address of said second entity.
31. (Original) The system according to claim 23, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.
32. (Original) The system according to claim 23, further comprising, at a network-based transaction facility, means for storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.
33. (Original) The system according to claim 32, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

34. (Currently Amended) A system to facilitate translation of communications between entities over a network, said system comprising:

a communications server to communicate a plurality of predetermined language constructs to a first entity as a first transmission over said network; and

a processing server to identify a translated language construct corresponding to a language construct of said plurality or predetermined language constructs, responsive to selection by said first entity of said language construct;

said communication server further to communicate said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

35. (Original) The system according to claim 34, wherein said communications server further communicates a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

36. (Original) The system according to claim 34, wherein said processing server further retrieves entity information relating to said second entity based on an identifier of said second entity selected by said first entity, and retrieves said translated language construct from a table based on said entity information and said selected language construct.

37. (Original) The system according to claim 36, wherein said entity information further comprises a language preference of said second entity.

38. (Currently Amended) The system according to claim 34, wherein said ~~selected language construct is a~~ predetermined question ~~to be~~ is asked by said first entity in an electronic commerce transaction over said network.

39. (Original) The system according to claim 34, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

40. (Original) The system according to claim 34, wherein said second transmission is an electronic mail message.

41. (Original) The system according to claim 36, wherein said identifier of said second entity is an electronic mail address of said second entity.

42. (Original) The system according to claim 34, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

43. (Original) The system according to claim 34, wherein, at a network-based transaction facility, said processing server further stores said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

44. (Original) The system according to claim 43, wherein said storing by said processing server is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

45. (New) The method of claim 1, wherein said predetermined question is translated responsive to said selection of said first entity by retrieving said translated language construct from a table that includes a plurality translated language constructs of said predetermined question that are respectively translated into different languages.

46. (New) The method of claim 45, wherein the second transmission includes a plurality of interactive fields to allow said second entity to respond to said predetermined question that is asked by said first entity.

47. (New) The method of claim 46, wherein said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively respond to said predetermined question and are respectively translated into a second language based on a language preference of said second entity.

48. (New) The method of claim 47, further including receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity.

REMARKS

This responds to the Final Office Action mailed on July 13, 2005 and the Advisory Action mailed September 30, 2005.

Claims 1, 5, 12, 16, 23, 27, 34 and 38 are amended; claims 45- 48 are new as a result, claims 1-48 are now pending in this application.

§102 Rejection of the Claims

Claims 1-3, 5-6, 9-14, 16-17, 20-25, 27-28, 31-36, 38-39 and 42-44 were rejected under 35 U.S.C. § 102(e) for anticipation U.S. 6,571,241 (hereinafter Nosohara).

Applicant respectfully submits that claims 1-3, 5-6, 9-14, 16-17, 20-25, 27-28, 31-36, 38-39 and 42-44 should not be rejected under 35 U.S.C. § 102(e) for the reason that Nosohara does not disclose each and every limitation of the claim 1 of the present application.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 1 includes the following limitation:

a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

The Final Office Action contends that the above limitation is anticipated by the following disclosure in Nosohara:

On the displayed menu window 801, the user selects "Simple Search" 802 or "Expert Search" 803, designates an "Option" item, and inputs a search condition (step S204). The "Simple Search" is used to search for patent information stored in the database (115, 116, or 117) on the basis of an arbitrary English word input by the user, and has a menu layout as shown in FIG. 9A. The "Expert Search" is used to search for patent information stored in the database (115, 116, or 117) after the search range is narrowed down to, e.g., search for only an applicant designated by the user from patent applicants, and has a menu

layout as shown in FIG. 9B (emphasis added).

Col. 8, lines 36-48.

The above quote from Nosohara describes a menu window that includes a “Simple Search” and an “Expert Search.” A user may select the “Simple Search” to search for patent information based on a search condition which is comprised of arbitrary English words input by the user. The user may also select the “Expert Search” to search for patent information based on the search condition and a narrowed search range (e.g., designating an applicant, see Fig. 9B).

Claim 1 requires a predetermined question that is asked by a first entity and translated responsive to the first entity selecting the question. The specification includes an example question, “What is your address?” (Figure 3A), that may be translated to a preferred language (e.g., French, Italian, etc.) responsive to a user selecting the question.

In contrast to the limitations of claim 1, the above quote from Nosohara does not describe a predetermined question that is asked by a first entity and translated responsive to selection by the first entity; but rather, a user interface that enables a user to select a type of search (e.g., “Simple Search” or “Expert Search”) and performance of the selected search in response to the selection of the user. The above quote from Nosohara simply does not describe a translation of “Simple Search” in response to the user selecting “Simple Search” or a translation of “Expert Search” in response to the user selecting “Expert Search.” Indeed, the Final Office action, in paragraph 11, suggests that Nosohara may present “Simple Search” and “Expert Search” in different languages (e.g., “Japanese, English”).

Assuming that Nosohara does describe a presentation of “Simple Search” and “Expert Search” in different languages then such a presentation may not be said to be responsive to the selection of the user, as required by claim 1, because the presentation comes before the selection of the user.

Further, with all due respect, the Final Office Action alleges anticipation of claim 1 by inconsistently reading the “first entity” of claim 1. For example, the Final Office Action reads the “first entity” on the “user” in the above quote from Nosohara and also on the “information search apparatus” in another quote of Nosohara (Final Office Action paragraph 6, Col. 7, lines 33-37) suggesting that Nosohara does not anticipate the limitations of claim 1. Nosohara therefore cannot be said to anticipate the above quoted limitation because Nosohara describes a

user interface that enables a user to select a type of search and performance of the selected search in response to the selection of the user and claim 1 requires a predetermined question that is asked by a first entity and translated responsive to the first entity selecting the question.

In summary, Nosohara does not disclose each and every limitation of claim 1, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

The above remarks are accordingly also applicable to a consideration of the independent claims 12, 23 and 34. Accordingly, Applicant requests that the above remarks and amendments contained herein also be considered when examining these other independent claims for allow ability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-3, 5-6, 9-11, 13, 14, 16-17, 20-22, 24-25, 27-28, 31-33, 35, 36, 38-39 and 42-44 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein.

§103 Rejection of the Claims

Claims 4, 7-8, 15, 18-19, 26, 29-30, 37 and 40-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nosohara in view of U.S. 6,301,554 (hereinafter Christy).

Claims 4 and 7-8 depend on independent claim 1; claims 15, 18 and 19 depend on independent claim 12; claims 26, 29 and 30 depend on independent claim 23; and, claims 37, 40 and 41 depended on independent claim 34. As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 4, 7-8, 15, 18-19, 26, 29-30, 37 and 40-41 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein.

In summary, Nosohara in combination with Christy does not teach or suggest each and every limitation of the independent claims as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

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408-278-4046

Date 10/13/2005

By Mart L. Valone

Mark R. Vatuone

Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of October, 2005.

Peter Rehffoni

Name


Signature

Signature _____

EXPEDITED PROCEDURE – EXAMINING GROUP 2143

S/N 09/976,301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steve Grove	Examiner:	David E. England
Serial No.:	09/976,301	Group Art Unit:	2143
Filed:	October 11, 2001	Docket No.:	2043.053US1
Title:	SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK		

AMENDMENT & RESPONSE UNDER 37 C.F.R. 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action mailed July 13, 2005, please amend the application as follows:

IN THE CLAIMS

Please amend the claims as follows.

1. (Currently Amended) A method to facilitate translation of communications between entities over a network, said method comprising:
 - communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;
 - responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and
 - communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.
2. (Original) The method according to claim 1, further comprising communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.
3. (Original) The method according to claim 1, wherein said identifying further comprises:
 - retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and
 - retrieving said translated language construct from a table based on said entity information and said selected language construct.
4. (Original) The method according to claim 3, wherein said entity information further comprises a language preference of said second entity.

5. (Currently Amended) The method according to claim 1, wherein ~~said selected language construct is a~~ said predetermined question ~~to be~~ is asked by said first entity in an electronic commerce transaction over said network.
6. (Original) The method according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.
7. (Original) The method according to claim 1, wherein said second transmission is an electronic mail message.
8. (Original) The method according to claim 3, wherein said identifier of said second entity is an electronic mail address of said second entity.
9. (Original) The method according to claim 1, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.
10. (Original) The method according to claim 1, further comprising, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.
11. (Original) The method according to claim 10, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

12. (Currently Amended) A machine-readable medium storing executable instructions, which, when executed in a processing system, cause said processing system to perform a method to facilitate translation of communications between entities over a network, said method comprising:

communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and

communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

13. (Original) The computer readable medium according to claim 12, wherein said method further comprises communicating to a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

14. (Original) The computer readable medium according to claim 12, wherein said identifying further comprises:

retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

retrieving said translated language construct from a table based on said entity information and said selected language construct.

15. (Original) The computer readable medium according to claim 14, wherein said entity information further comprises a language preference of said second entity.

-
16. (Currently Amended) The computer readable medium according to claim 12, wherein said ~~selected language construct is a~~ predetermined question ~~to be~~ is asked by said first entity in an electronic commerce transaction over said network.
17. (Original) The computer readable medium according to claim 12, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.
18. (Original) The computer readable medium according to claim 12, wherein said second transmission is an electronic mail message.
19. (Original) The computer readable medium according to claim 14, wherein said identifier of said second entity is an electronic mail address of said second entity.
20. (Original) The computer readable medium according to claim 12, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.
21. (Original) The computer readable medium according to claim 12, wherein said method further comprises, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.
22. (Original) The computer readable medium according to claim 12, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

23. (Currently Amended) A system to facilitate translation of communications between entities over a network, said system comprising:

means for communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

means for identifying a translated language construct corresponding to said selected language construct, responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs; and

means for communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

24. (Original) The system according to claim 23, further comprising means for communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

25. (Original) The system according to claim 23, further comprising:

means for retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

means for retrieving said translated language construct from a table based on said entity information and said selected language construct.

26. (Original) The system according to claim 25, wherein said entity information further comprises a language preference of said second entity.

27. (Currently Amended) The system according to claim 23, wherein said ~~selected language construct is a~~ predetermined question ~~to be~~ is asked by said first entity in an electronic commerce transaction over said network.

28. (Original) The system according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

29. (Original) The system according to claim 23, wherein said second transmission is an electronic mail message.

30. (Original) The system according to claim 25, wherein said identifier of said second entity is an electronic mail address of said second entity.

31. (Original) The system according to claim 23, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

32. (Original) The system according to claim 23, further comprising, at a network-based transaction facility, means for storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

33. (Original) The system according to claim 32, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

34. (Currently Amended) A system to facilitate translation of communications between entities over a network, said system comprising:

a communications server to communicate a plurality of predetermined language constructs to a first entity as a first transmission over said network; and

a processing server to identify a translated language construct corresponding to a language construct of said plurality or predetermined language constructs, responsive to selection by said first entity of said language construct;

said communication server further to communicate said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

35. (Original) The system according to claim 34, wherein said communications server further communicates a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

36. (Original) The system according to claim 34, wherein said processing server further retrieves entity information relating to said second entity based on an identifier of said second entity selected by said first entity, and retrieves said translated language construct from a table based on said entity information and said selected language construct.

37. (Original) The system according to claim 36, wherein said entity information further comprises a language preference of said second entity.

38. (Currently Amended) The system according to claim 34, wherein said ~~selected language construct is a~~ predetermined question ~~to be~~ is asked by said first entity in an electronic commerce transaction over said network.

39. (Original) The system according to claim 34, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

40. (Original) The system according to claim 34, wherein said second transmission is an electronic mail message.

41. (Original) The system according to claim 36, wherein said identifier of said second entity is an electronic mail address of said second entity.

42. (Original) The system according to claim 34, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

43. (Original) The system according to claim 34, wherein, at a network-based transaction facility, said processing server further stores said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

44. (Original) The system according to claim 43, wherein said storing by said processing server is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

REMARKS

This responds to the Office Action mailed on July 13, 2005.

Claims 1, 5, 12, 16, 23, 27, 34 and 38 are amended; as a result, claims 1-44 are now pending in this application.

§102 Rejection of the Claims

Claims 1-3, 5-6, 9-14, 16-17, 20-25, 27-28, 31-36, 38-39 and 42-44 were rejected under 35 U.S.C. § 102(e) for anticipation U.S. 6,571,241 (hereinafter Nosohara).

Applicant respectfully submits that claims 1-3, 5-6, 9-14, 16-17, 20-25, 27-28, 31-36, 38-39 and 42-44 should not be rejected under 35 U.S.C. § 102(e) for the reason that Nosohara does not disclose each and every limitation of the claim 1 of the present application.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 1 includes the following limitation:

a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

The Office Action, in rejecting claim 1, contends that the above limitation is anticipated by the following disclosure in Nosohara:

On the displayed menu window 801, the user selects "Simple Search" 802 or "Expert Search" 803, designates an "Option" item, and inputs a search condition (step S204). The "Simple Search" is used to search for patent information stored in the database (115, 116, or 117) on the basis of an arbitrary English word input by the user, and has a menu layout as shown in FIG. 9A. The "Expert Search" is used to search for patent information stored in the database (115, 116, or 117) after the search range is narrowed down to, e.g., search for only an applicant designated by the user from patent applicants, and has a menu layout as shown in FIG. 9B (emphasis added).

Col. 8, lines 36-48.

The above quote from Nosohara describes a menu window that includes a “Simple Search” and an “Expert Search.” A user may select the “Simple Search” to search for patent information based on a search condition which is comprised of arbitrary English words input by the user. The user may also select the “Expert Search” to search for patent information based on the search condition and a narrowed search range (e.g., designating an applicant, see Fig. 9B).

Claim 1 requires a predetermined question that is asked by a first entity and translated responsive to the first entity selecting the question. The specification includes an example question, “What is your address?” (Figure 3A), that may be translated to a preferred language (e.g., French, Italian, etc.) responsive to a user selecting the question.

In contrast to the limitations of claim 1, the above quote from Nosohara does not describe a predetermined question that is asked by a first entity and translated responsive to selection by the first entity; but rather, a user interface that enables a user to select a type of search (e.g., “Simple Search” or “Expert Search”) and performance of the selected search in response to the selection of the user. The above quote from Nosohara simply does not describe a translation of “Simple Search” in response to the user selecting “Simple Search” or a translation of “Expert Search” in response to the user selecting “Expert Search.” Indeed, the Final Office action, in paragraph 11, suggests that Nosohara may present “Simple Search” and “Expert Search” in different languages (e.g., “Japanese, English”).

Assuming that Nosohara does describe a presentation of “Simple Search” and “Expert Search” in different languages then such a presentation may not be said to be responsive to the selection of the user, as required by claim 1, because the presentation comes before the selection of the user.

Further, with all due respect, the Final Office Action alleges anticipation of claim 1 by inconsistently reading the “first entity” of claim 1. For example, the Final Office Action reads the “first entity” on the “user” in the above quote from Nosohara and also on the “information search apparatus” in another quote of Nosohara (Final Office Action paragraph 6, Col. 7, lines 33-37) suggesting that Nosohara does not anticipate the limitations of claim 1. Nosohara therefore cannot be said to anticipate the above quoted limitation because Nosohara describes a user interface that enables a user to select a type of search and performance of the selected search

in response to the selection of the user and claim 1 requires a predetermined question that is asked by a first entity and translated responsive to the first entity selecting the question.

In summary, Nosohara does not disclose each and every limitation of claim 1, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

The above remarks are accordingly also applicable to a consideration of the independent claims 12, 23 and 34. Accordingly, Applicant requests that the above remarks and amendments contained herein also be considered when examining these other independent claims for allow ability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-3, 5-6, 9-11, 13, 14, 16-17, 20-22, 24-25, 27-28, 31-33, 35, 36, 38-39 and 42-44 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein.

§103 Rejection of the Claims

Claims 4, 7-8, 15, 18-19, 26, 29-30, 37 and 40-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nosohara in view of U.S. 6,301,554 (hereinafter Christy).

Claims 4 and 7-8 depend on independent claim 1; claims 15, 18 and 19 depend on independent claim 12; claims 26, 29 and 30 depend on independent claim 23; and, claims 37, 40 and 41 depended on independent claim 34. As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 4, 7-8, 15, 18-19, 26, 29-30, 37 and 40-41 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein.

In summary, Nosohara in combination with Christy does not teach or suggest each and every limitation of the independent claims as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

Serial Number: 09/976,301

Filing Date: October 11, 2001

Title: SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 408-846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
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408-846-8871

Date 9/13/2005

By Mark R. Vatuone
Mark R. Vatuone
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of September, 2005.

Peter Ruben
Name

Pete
Signature

S/N 09/976,301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steve Grove	Examiner:	David E. England
Serial No.:	09/976,301	Group Art Unit:	2143
Filed:	October 11, 2001	Docket No.:	2043.053US1
Title:	SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK		

RESPONSE UNDER 37 C.F.R. 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Office Action mailed March 9, 2007 please consider the below remarks.

REMARKS

This responds to the Office Action mailed on March 9, 2007.

Claims 1-48 are now pending in this application.

§103 Rejection of the Claims

Claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan et al. (U.S. 5,966,685; hereinafter Flanagan) in view of Appleby (U.S. 6,463,404; hereinafter Appleby).

Applicant respectfully submits that claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 should not be rejected under 35 U.S.C. § 103(a) for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application, as required for a prima facie case of obviousness.

Claim 1 includes the following limitations:

communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

responsive to receipt of a selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, said identifying based on entity information relating to a second entity and said selected language construct;

The Office Action alleges that the above limitation is taught or suggested by the following quotes from Flanagan:

FIG. 2 illustrates the message structuring of one embodiment of the present invention. Upon logging onto a discussion group, the user may choose his or her language preference. All translation is performed at the network site so no other actions on the part of the user are required to take advantage of the present invention. For example, a French user may log onto a discussion group and access the French version of the system. For example, FIG. 2 depicts the message structuring of a French version of a parallel discussion group. The message board section names and messages will be in French. Each of the messages translated from other language versions may also contain the text in the original language in addition to the French translation. If the French user posts a

message to the parallel discussion group as shown in FIG. 2, it will be translated to English and German and posted to the English and German versions of the system.

Col. 4, lines 21-37.

The MT Model has three views that are each separate CompuServe discussion groups -- one in English (EMCIMSU) 58, one in French (FMCIMSU) 60, and one in German (DMCIMSU) 62. A user may only see one view at a time. All three discussion groups contain the same message content and configuration. In this Example, the following translation directions occur: English to French; English to German; French to English; and German to English.

Col. 5, lines 45-52.

The above quotes from Flanagan describe a system that receives posted messages and translates the messages before posting the translated messages to parallel discussion groups of different languages (Abstract). Specifically, the first quote describes a French version of the system. As described above, the system enables the user to log on to a discussion group, select a language preference (e.g., French), and post a message that is translated and posted to the non-selected versions of the discussion group. For example, a French user may post a message that is translated to English and German before being posted to the English and German versions of the discussion groups.

The second quote describes (Col. 5, lines 41-43) three CompuServe discussion groups (e.g., English, French, and German) that respectively correspond to views. A user may see one view at a time (e.g., French view) however all three views (e.g., discussion groups) contain the same message content and configuration.

Claim 1 requires communicating a plurality of predetermined language constructs to a first entity and receipt of a selection of a language construct from the plurality of the predetermined language constructs, the selection used to identify a translated language construct, the identification responsive to receipt of the selection. Merely for example, the plurality of predetermined language constructs communicated to a first entity may include the predetermined language construct, "What is your address?" Continuing with the example, a selection of a language construct (e.g., "What is your address?") may be received and used to identify a translated language construct (e.g., French - "What is your address?"), the identification

responsive to receipt of the selection. In contrast to the above limitations from the claim 1, the quotes from Flanagan describe a user that chooses a language or posts a message and a system that translates the message before posting the translated message to discussion groups.

Please consider the illustrated message below:

Create Forum Message

Subject: Forum:

Section:

From: Georgia Crosby 70003,6033 ☒ Auto-file ☐ Private ☐ Via Mail

Hi, John. Welcome to the MacCIM forum! I hope you're able to learn a lot through this forum about accessing and using CompuServe. There are many of us out here, even in Germany and France, who are working together to learn more about their systems.

Take care!

Georgia Crosby

Fig. 9

Flannigan, Figure 8

The above Figure 8 illustrates a message that includes text that has been input by a user (Col. 2, line 49). Flanagan further describes messages as posted by a user (Col. 6, lines 31-32). Accordingly, Flanagan fails to describe the limitations of the claim 1 because Flannigan describes messages that include text that are input by a user before being translated and posted to a discussion group. Specifically, Flanagan fails to describe communicating a plurality of predetermined language constructs to a first entity and receipt of a selection of a language construct from the plurality of the predetermined language constructs, the selection used to identify a translated language construct, the identification responsive to receipt of the selection.

Further, the differences between the subject matter recited in claim 1 and the system described by Flanagan are not trivial. Such differences result in real world advantages of the claimed invention. For example, the present application describes the translating found in Flanagan as 1) expensive, 2) utilizing considerable storage capacity, 3) exhibiting imperfect translation; and, 4) producing grammatically incorrect sentences, respective deficiencies identified in the prior art by the present application (Application, paragraphs 2-4).

Flanagan therefore cannot be said to teach or suggest the above quoted limitations of the claim 1 because Flanagan describes a user that chooses a language or inputs text before posting a message and a system that translates the message before posting the translated message to discussion groups. In contrast, the claim 1 requires communicating a plurality of predetermined language constructs to a first entity and receipt of a selection of a language construct from the plurality of the predetermined language constructs, the selection used to identify a translated language construct, the identification responsive to receipt of the selection.

The above remarks are also applicable to a consideration of independent claims 12, 23, and 34.

Appleby describes an apparatus for receiving and translating a document to a target language (Abstract). Accordingly, Appleby also cannot describe the above quoted limitations of the claim 1.

In summary, Flanagan in view of Appleby does not teach or suggest each and every limitation of claims 1, 12, 23, and 34 as required to support rejections of these independent claims of the present application under 35 U.S.C. § 103.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE

By his Representatives,

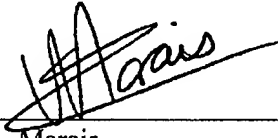
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

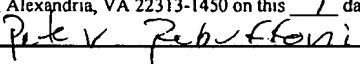
408-278-4042

Date 06/07/2007

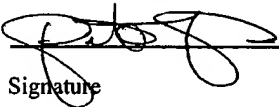
By 
Andre L. Marais
Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7 day of June 2007.

Name



Signature



S/N 09/976,301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steve Grove	Examiner:	David E. England
Serial No.:	09/976,301	Group Art Unit:	2143
Filed:	October 11, 2001	Docket No.:	2043.053US1
Title:	SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK		

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Office Action mailed on December 16, 2005. Please amend the above-identified patent application as follows.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a two-month extension of the period for responding to the Office Action, thereby moving the deadline for response from March 16, 2006 to May 16, 2006.

IN THE DRAWINGS

Corrected drawings are supplied herewith.

Enclosed is a Replacement Sheet showing the following amendment to Figure 6. The Figure 6, block 615 is amended to include "RECEIVE SELECTED LANGUAGE CONSTRUCT (E.G., PREDETERMINED QUESTION) AND SECOND USER IDENTIFIER FROM THE FIRST USER (E.G., ELECTRONIC COMMERCE TRANSACTION)"

Enclosed is a New Sheet for a Figure 8 illustrating an e-mail, according to one embodiment.

Enclosed is a New Sheet for a Figure 9 illustrating a reply message, according to one embodiment.

The above amendments are based entirely on written description in the pre-amendment specification and drawings, and accordingly do not add any matter to the drawings of the present application.

IN THE SPECIFICATION

Please amend the specification as follows:

Please substitute the paragraph 33 below for the same paragraph in the specification. Support for the added text may be found in claims 2, 13, 24, 35 as originally filed, paragraphs 28, 33, 40, 44, and Figures 4 and 5.

[0033] At block 130, the second user 94 selects a further language construct and a user identifier of the first user 92 to which the further language construct is to be communicated. The further language construct may be selected, in one embodiment, from the drop-down list containing multiple predetermined language constructs translated in the language preference of the second user 94, the drop-down list being displayed in one interactive field of the multiple fields communicated to the second user 94 from the website 96. For example, the Figure 8 is a diagram illustrating an e-mail message 122, according to an embodiment, that includes multiple interactive fields 123, 124. The interactive field 123 is shown to include a drop-down list 126 that may contain multiple predetermined language constructs translated in the language preference of the second user 94 to allow the second user 94 to respond to the translated language construct (WHAT IS YOUR ADDRESS?) from the first user 92.

Please substitute the paragraphs 34 and 35 below for the paragraph the same paragraphs in the specification. Support for the added text may be found in the claims 2, 13, 24, 35 as originally filed, paragraphs 28, 33, 40, 44, and Figures 4 and 5. Support for the added text may be found in the claims 2, 13, 24, 35 as originally filed, paragraphs 32-34, 45, 53-54 and Figures 4 and 6.

[0034] At block 135, the further language construct is communicated from the second user 94 to the website 96 via the network 34 in a reply message directed to the first user 92, for example an electronic mail (e-mail) message. Figure 9 illustrates a reply message 136, according to one

embodiment. The reply message 136 is shown to include a language construct 137 selected by the second user 94 in response to the translated language construct from the first user 92.

[0035] Returning to Figure 5, at [[At]] block 140, the website 96 (e.g., the auction facility 10) utilizes the search servers 20 to conduct a search of the user table 40, the stored constructs table 60, and the stored translated constructs table 70 to retrieve a translated further language construct, based on the user identifier corresponding to the first user 92. The search of the user table 40 locates the user information pertaining to the first user 92, including a language preference of the first user 92, and the search of the tables 60 and 70 locates the translated further language construct corresponding to the selected further language construct and the language preference of the first user 92.

IN THE CLAIMS

Please amend the claims as follows:

1. (Previously Presented) A method to facilitate translation of communications between entities over a network, said method comprising:
 - communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;
 - responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and
 - communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.
2. (Original) The method according to claim 1, further comprising communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.
3. (Original) The method according to claim 1, wherein said identifying further comprises:
 - retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and
 - retrieving said translated language construct from a table based on said entity information and said selected language construct.
4. (Original) The method according to claim 3, wherein said entity information further comprises a language preference of said second entity.

5. (Previously Presented) The method according to claim 1, wherein said predetermined question is asked by said first entity in an electronic commerce transaction over said network.
6. (Original) The method according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.
7. (Original) The method according to claim 1, wherein said second transmission is an electronic mail message.
8. (Original) The method according to claim 3, wherein said identifier of said second entity is an electronic mail address of said second entity.
9. (Original) The method according to claim 1, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.
10. (Original) The method according to claim 1, further comprising, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.
11. (Original) The method according to claim 10, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

12. (Previously Presented) A machine-readable medium storing executable instructions, which, when executed in a processing system, cause said processing system to perform a method to facilitate translation of communications between entities over a network, said method comprising:

communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and

communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

13. (Original) The computer readable medium according to claim 12, wherein said method further comprises communicating to a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

14. (Original) The computer readable medium according to claim 12, wherein said identifying further comprises:

retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

retrieving said translated language construct from a table based on said entity information and said selected language construct.

15. (Original) The computer readable medium according to claim 14, wherein said entity information further comprises a language preference of said second entity.

16. (Previously Presented) The computer readable medium according to claim 12, wherein said predetermined question is asked by said first entity in an electronic commerce transaction over said network.

17. (Original) The computer readable medium according to claim 12, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

18. (Original) The computer readable medium according to claim 12, wherein said second transmission is an electronic mail message.

19. (Original) The computer readable medium according to claim 14, wherein said identifier of said second entity is an electronic mail address of said second entity.

20. (Original) The computer readable medium according to claim 12, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

21. (Original) The computer readable medium according to claim 12, wherein said method further comprises, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

22. (Original) The computer readable medium according to claim 12, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

23. (Previously Presented) A system to facilitate translation of communications between entities over a network, said system comprising:

means for communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

means for identifying a translated language construct corresponding to said selected language construct, responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs; and

means for communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

24. (Original) The system according to claim 23, further comprising means for communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

25. (Original) The system according to claim 23, further comprising:

means for retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

means for retrieving said translated language construct from a table based on said entity information and said selected language construct.

26. (Original) The system according to claim 25, wherein said entity information further comprises a language preference of said second entity.

27. (Previously Presented) The system according to claim 23, wherein said predetermined question is asked by said first entity in an electronic commerce transaction over said network.

28. (Original) The system according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

29. (Original) The system according to claim 23, wherein said second transmission is an electronic mail message.

30. (Original) The system according to claim 25, wherein said identifier of said second entity is an electronic mail address of said second entity.

31. (Original) The system according to claim 23, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

32. (Original) The system according to claim 23, further comprising, at a network-based transaction facility, means for storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

33. (Original) The system according to claim 32, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

34. (Previously Presented) A system to facilitate translation of communications between entities over a network, said system comprising:

a communications server to communicate a plurality of predetermined language constructs to a first entity as a first transmission over said network; and

a processing server to identify a translated language construct corresponding to a language construct of said plurality or predetermined language constructs, responsive to selection by said first entity of said language construct;

said communication server further to communicate said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.

35. (Original) The system according to claim 34, wherein said communications server further communicates a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

36. (Original) The system according to claim 34, wherein said processing server further retrieves entity information relating to said second entity based on an identifier of said second entity selected by said first entity, and retrieves said translated language construct from a table based on said entity information and said selected language construct.

37. (Original) The system according to claim 36, wherein said entity information further comprises a language preference of said second entity.

38. (Previously Presented) The system according to claim 34, wherein said predetermined question is asked by said first entity in an electronic commerce transaction over said network.

39. (Original) The system according to claim 34, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

40. (Original) The system according to claim 34, wherein said second transmission is an electronic mail message.

41. (Original) The system according to claim 36, wherein said identifier of said second entity is an electronic mail address of said second entity.

42. (Original) The system according to claim 34, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

43. (Original) The system according to claim 34, wherein, at a network-based transaction facility, said processing server further stores said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

44. (Original) The system according to claim 43, wherein said storing by said processing server is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

45. (Previously Presented) The method of claim 1, wherein said predetermined question is translated responsive to said selection of said first entity by retrieving said translated language construct from a table that includes a plurality translated language constructs of said predetermined question that are respectively translated into different languages.

46. (Previously Presented) The method of claim 45, wherein the second transmission includes a plurality of interactive fields to allow said second entity to respond to said predetermined question that is asked by said first entity.

47. (Previously Presented) The method of claim 46, wherein said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively respond to said predetermined question and are respectively translated into a second language based on a language preference of said second entity.

48. (Previously Presented) The method of claim 47, further including receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity.

REMARKS

This responds to the Office Action mailed on December 16, 2005, and the references cited therewith.

Claims 1-48 are now pending in this application.

Drawing Objections

The drawings were objected to under 37 C.F.R. 1.83(a) for not showing every feature of the invention specified in the claims.

Responsive to the rejection in paragraph 3 of the Office Action the Figures 3A, 3B, and 4 (e.g., blocks 105, 110, 115) show the claimed feature (e.g., claims 1, 12, 23, 34), “wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity. For example, the Figure 3A shows a language construct, “WHAT IS YOUR ADDRESS” (e.g., predetermined question) that is shown to be associated with a CONSTRUCT ID 62 (e.g., 0001). The Figure 4, block 105 shows “SELECT CONSTRUCT AND SECOND USER ID” by a first user 92 (e.g., asked by first entity). The Figure 4, block 115 shows “PERFORM CONSTRUCT TRANSLATION” that is performed in response to the first user selecting the construct (e.g., translated responsive to said selection by first entity). Finally, the Figure 3B shows a stored translated language constructs table that shows a single CONSTRUCT ID 72 (e.g., 0001) that corresponds to multiple LANGUAGE IDs 74 (e.g., FR, IT, ES) that respectively correspond to multiple TRANSLATED CONSTRUCTS 76 in the respective languages.

Responsive to the rejection in the paragraph 4 of the Office Action, the amended Figure 6, block 615 and Figure 3A shows the claimed feature (e.g., claims 5, 16, 27, 38) “said predetermined question is asked by said first entity in an electronic commerce transaction over said network.” For example, the Figure 6, block 615 shows “RECEIVE SELECTED LANGUAGE CONSTRUCT (E.G., PREDETERMINED QUESTION) AND SECOND USER IDENTIFIER FROM THE FIRST USER (E.G., ELECTRONIC COMMERCE TRANSACTION). Further, the Figure 3A shows a language construct, “WHAT IS YOUR ADDRESS” (e.g., predetermined question), as described above. Support for the amendment to Figure 6 may be found in the claims 5, 16, 27 and 28 of the application as originally filed,

paragraphs 24-26, paragraphs 17-23 and in Figures 3A and 3B. Applicant submits no new matter has been added to the application.

Responsive to the rejection in the paragraph 5 of the Office Action, the Figures 3A, 3B, and 4 (e.g., blocks 105, 110, 115) show the claimed feature (e.g., claim 45), “said predetermined question is translated responsive to said selection of said first entity by retrieving said translated language construct from a table that includes a plurality of translated language constructs of said predetermined question that are respectively translated into different languages.” For example, the Figures 3A, 3B, and 4 (e.g., blocks 105, 110, and 115) show the claimed feature as described above.

Responsive to the rejection in the paragraph 6 of the Office Action, the Figure 4 at blocks 120, 125 and 130 and the added Figure 8 show the claimed feature (e.g., claim 46), “the second transmission includes a plurality of interactive fields to allow said second entity to respond to said predetermined question that is asked by said first entity.” For example, the block 120 shows, “GENERATE TRANSLATED MESSAGE”, the block 125 shows, “TRANSMIT TRANSLATED MESSAGE”, and the block 130 shows “SELECT FURTHER CONSTRUCT AND FIRST USER ID.” The Figure 8 shows an e-mail message 122, interactive fields 123, 124, and a drop-down list 126 that may contain multiple predetermined language constructs translated in the language preference of the second user 94 to allow the second user 94 to respond to the first user 92. Support for Figure 8 may be found in claims 2, 13, 24, and 35 as originally filed, paragraphs 31, 33, and 52 and Figures 3A, 3B, 4 and 6. Applicant submits no new matter has been added to the application.

Responsive to the rejection in the paragraph 7 of the Office Action, the Figure 4 at blocks 120, 125 and 130 and the added Figure 8 show the claimed feature (e.g., claim 47) “said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a plurality of predetermined language constructs that respectively respond to said predetermined question and are respectively translated into a second language based on a language preference of said second entity.” The Figure 8 shows an e-mail message 122, interactive fields 123, 124, and a drop-down list 126 that may contain multiple predetermined language constructs translated in the language preference of the second user 94 to allow the second user 94 to respond to the first user 92. Support for Figure 8 may be found in

claims 2, 13, 24, and 35 as originally filed, paragraphs 31, 33, and 52 and Figures 3A, 3B, 4 and 6. Applicant submits no new matter has been added to the application.

Responsive to the rejection in the paragraph 8 of the Office Action, the Figure 4, block 135 and the newly added Figure 9 show the claimed feature (e.g., claim 48) “receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity.” For example, the Figure 4, block 135 shows, “TRANSMIT FURTHER CONSTRUCT IN A REPLY MESSAGE” and the Figure 9 shows a reply message 136 including a language construct 137 to respond to the translated language construct (WHAT IS YOUR ADDRESS?) from the first user 92. Support for the Figure 8 may be found in claims 2, 13, 24, and 35 as originally filed, paragraphs 32-34, 45, 53-54 and Figures 4 and 6. Applicant submits no new matter has been added to the application.

§112 Rejection of the Claims

Claims 1-48 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description. Specifically, the Office Action alleges the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

“The test for sufficiency of support in a parent application was whether the disclosure of the application relied upon ‘reasonably conveys to the artisan the inventor had possession at that time of the later claimed subject matter.’”

MPEP 2163.02, first paragraph, citing *Ralston Purina Co. v. Far-Mar-Co., Inc.*, USPQ 177, 179 (Fed. Cir. 1985) (quoting *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983)).

“A description as filed is presumed to be adequate, unless or until sufficient evidence of reasoning to the contrary has been presented by the examiner to rebut the presumption.”

In re Marzocchi, 439, F.2d 220, 224, 169, USPQ 367, 370 (CCPA 1971).

The examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the art would not recognize in the original disclosure a description of the invention defined by the claims.

Wertheim, 541 F.2d at 263, 191 USPQ at 97

Applicant respectfully submits the Office Action has failed to establish a *prima facie* case for rejecting claims 1-48 under 35 U.S.C. § 112, first paragraph, as lacking adequate description. Specifically, the Office Action fails to provide reasons why a person skilled in the art at the time the application was filed would not have recognized that the inventor, Steve Grove, was in possession of the invention as defined by the claims 1-48 in view of the disclosure of the present application as filed on October 11, 2001.

Claims 1, 5, 12, 16, 23, 27, 34, 38 and 45-48 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description. Specifically, the Office Action alleges the mentioned claims recite “predetermined question” and there is no disclosure of a “predetermined question” in the specification.

Applicant respectfully submits that claims 1, 5, 12, 16, 23, 27, 34, 38 and 45-48 should not be rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description for the reason that “predetermined question” is explicitly and implicitly disclosed in the original specification.

“In evaluating the sufficiency of the written description, terms need not be found in *haec verba*.” (in these words).

Koito Mfg. Co. v. Turn-Key-Tech LLC, 381 F.3d 1142, 72 USPQ2d 1190, 1199 (Fed. Cir. 2004)

“The subject matter of the claim need not be described literally (i.e., using the same terms of *in haec verba*) in order for the disclosure to satisfy the description requirement.”

MPEP 2163, Third Paragraph

“The claims as originally filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter.”

In re Benno, 768, F.2d 1340, 226 2SPQ

Applicant respectfully submits that “predetermined question” was explicitly disclosed in claims 5, 16, 27 and 28 of the application as originally filed and implicitly disclosed with the following quote:

“A stored construct table 60 stores a *predetermined number of language constructs, such as* sentences, phrases, *questions* or any other known types of language constructs.”

Application, Paragraph twenty-four.

Applicant submits that for the above stated reasons the present application conveys to the artisan that the inventor had possession, at the time of filing, of the subject matter of claims 1, 5, 12, 16, 23, 27, 34, 38 and 45-48.

The above remarks are applicable to a consideration of independent claims 1, 12, 23, and 24.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 5, 16, 27, 38 and 45-48 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein.

Claims 1, 12, 23, 34 and 45-48 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description. Specifically, the Office Action requests the Applicant to point to the specification and drawings that support the newly added and amended claims.

Applicant respectfully submits that claims 1, 12, 23, 34 and 45-48 should not be rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description for the reason that the aforementioned claims are supported in the claims, written description and drawings as follows:

Claim(s)	Support from Original Claims	Support from Written Description (Paragraphs)	Support from Drawings
1, 12, 23, 24 (as amended)	5, 16, 27, 38,	24, 28-32, 39-43, 49-52	Figures: 3A, 4, 5, 6
45	3, 9, 10, 11,	24, 28-30, 39-42, 49-51	Figures: 3B, 4, 5, 6
46	2, 13, 24, 35,	31, 44, 52	Figures: 3A, 3B, 4, 6
47		28, 33, 40, 44	Figures: 3A, 3B, 4, 5
48	2, 13, 24, 35	32-34, 45, 53-54	Figures: 3A, 3B, 4, 6

§103 Rejection of the Claims

Claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,966,685 (hereinafter Flanagan).

Applicants respectfully submit that claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 should not be rejected under 35 U.S.C. § 103(a) for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 25 includes the following limitations:

communicating a plurality of predetermined language constructs to a first entity....

responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs.....

....wherein said selected language construct is *a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.*

The Office Action alleges that the above limitation is taught or suggested by the following quotes from Flanagan:

FIG. 2 illustrates the message structuring of one embodiment of the present invention. Upon logging onto a discussion group, the user may choose his or her language preference. ... For example, a French user may log onto a discussion group and access the French version of the system.

Col. 4, lines 21-28.

The MT Model has three views that are each separate CompuServe discussion groups -- one in English (EMCIMSU) 58, one in French (FMCIMSU) 60, and one in German (DMCIMSU) 62. A user may only see one view at a time. All three discussion groups contain the same message content and configuration. In this Example, the following translation directions occur: English to French; English to German; French to English; and German to English.

In all three discussion groups, the message board section names appear in the native language. Messages in each section appear in the native language or are translated from another language. ...When a user posts a message on any one of the three discussion groups, the message translation process performs the translations and posts the translated messages onto the other two discussion groups. Messages translated from another language preferably contain the translation as well as the message as it originally appeared.

Col. 5, lines 45-64.

The above quotes from Flanagan describe a system which allows a user to communicate with other users who speak different languages (Abstract). The first quote describes a user who may log onto a discussion group and choose a language preference (e.g., French). The second quote describes the discussion groups or views. For example, the user may choose a language preference by selecting the English forum 58 (See Figure 4). The English forum is associated

with the following translations: English to French; English to German; French to English; and German to English. A user may see one view at a time. If a user posts a message on a discussion group, the message translation process translates and posts the message on the other two discussion groups. If a user receives a message from another discussion group the message preferably contains the translation and the original message (e.g., as it originally appeared).

Claim 1 requires a predetermined question that is asked by a first entity and translated responsive to the selection by the first entity. In contrast, the above two quotes from Flanagan do not describe a predetermined question that is asked by a first entity and translated responsive to the selection by the first entity; but rather, a selection of a language preference and a viewing of a discussion group that corresponds to the selected language preference. Clearly a language preference is not a predetermined question that is asked. The Office Action states:

Although Flanagan does not explicitly teach the use of a question, it is well known in the art and would be obvious to one of ordinary skill in the art that if a user is entering a chat and is required to enter information about what language the user would like information to be presented to them, it would be implied that the system is "asking a question" even though it is not stated in a propositional phrase (emphasis added).

Office Action, Section 18.

Applicant respectfully points out that claim 1 requires a predetermined question that is asked and selected. In other words if, as the Office Action alleges, the system is "asking a question" then the Office Action must also allege that Flanagan teaches or suggests the same system as selecting the question. Flanagan describes no such system. Indeed, Flanagan describes a system that enables the selection of a language preference and the viewing of a discussion group that corresponds to the selected language preference. Moreover significant differences exist between Flanagan and the present application. For example, the system described by Flanagan may be associated with drawbacks, as noted in the Background section of the present application:

Several attempts have been made to facilitate such communications [communication between users that utilize different written languages] and to provide translation software packages residing on a computer and configured to translate text or voice communications from one language to another. Some of these translation software

packages, however, can be expensive and can result in a financial burden for a user of such software packages. Furthermore, such software packages require considerable storage capacity to be available on the computer.

Another drawback of the translation software packages relates to their limited applicability. For example, current technology allows for translation of text through common text translation software installed on a computer. The translation may be accomplished in a variety of ways, one of which is direct word for word translation of the communication, which is imperfect and produces grammatically incorrect sentences in the translated language.

Present Application, paragraphs 2-4.

Flanagan therefore cannot be said to teach or suggest the above quoted limitations because Flanagan describes the selection a language preference and the viewing a discussion group that corresponds to the selected language preference and claim 1 requires a predetermined question that is asked and selected.

The above remarks are also applicable to a consideration of independent claims 1, 12, 23 and 34.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 3-5, 9-11, 14-16, 20-22, 25-27, 31-33, 36-38 and 42-45 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 2, 6, 7, 13, 17-18, 24, 28, 29, 35, 39, 40 and 46-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan in view of U.S. 6,857,022 (hereinafter Scanlan).

Claims 2, 6, 7, and 46-48 depend on independent claim 1; claims 13 and 17-18 depend on independent claim 12; claim 24, 28 and 29 depend on independent claim 23; and, claim 35, 39 and 40 and depend on independent claim 34. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2, 6, 7, 13, 17-18, 24, 28, 29, 35, 39, 40 and 46-48 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 8, 19, 30 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan in view of Christy U.S. 6,301,554 (hereinafter Christy).

Claim 8 depends on independent claim 1; claim 19 depends on independent claim 12; claim 30 depends on independent claim 23; and, claim 31 depends on independent claim 34. If

an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 8, 19, 30 and 41 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Flanagan in combination with Scanlan in combination with Christy does not teach or suggest each and every limitation of claims 1, 12, 23, and 34 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE

By his Representatives,

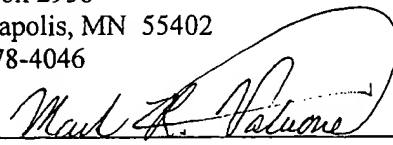
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

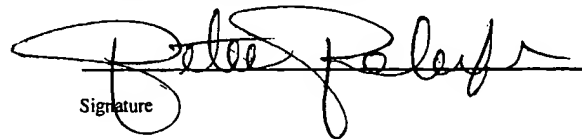
408-278-4046

Date 5/16/2006

By 
Mark R. Vatuone
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16 day of May, 2006.

Peter Reb Ffoni
Name


Signature

S/N 09/976,301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steve Grove	Examiner:	David E. England
Serial No.:	09/976,301	Group Art Unit:	2143
Filed:	October 11, 2001	Docket No.:	2043.053US1
Title:	SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK		

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Office Action mailed on November 24, 2004. Please amend the above-identified patent application as follows.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a 2-month extension of the period for responding to the Office Action, thereby moving the deadline for response from February 24, 2005 to April 24, 2005.

IN THE SPECIFICATION

Please substitute the marked-up paragraph below for Paragraph 21 in the specification. Applicant submits that amended paragraph 21 does not include new matter (see paragraph 42) and respectfully requests the Examiner to enter paragraph 21 into the specification.

[0021] Central to the database 23 shown in FIG. 2 is a user table 40, which contains a record for each entity or user of the auction facility 10. The record is shown to include entity information or user information that may further include a language preference. Each user may operate as a seller, a buyer, or both, within the auction facility 10. The database 23 also includes items tables 42 that may be linked to the user table 40. Specifically, the table 42 includes a seller items table 44 and a bidder items table 46. A user record in the user table 40 may be linked to multiple items that are being, or have been, auctioned via the auction facility 10. A link indicates whether the user is a seller or a bidder (or buyer) with respect to items for which records exist within the items table 42.

IN THE DRAWINGS

Corrected drawings are supplied herewith. Enclosed is a replacement sheet of Figure 2 of the drawings. Figure 2 is amended to illustrate a user table that includes a user record that includes entity information that includes a language preference. Applicant submits that Figure 2, as amended, does not include new matter (see paragraph 42) and respectfully requests the Examiner to enter the replacement sheet for Figure 2 into the specification.

IN THE CLAIMS

Please amend the claims as follows:

1. (Original) A method to facilitate translation of communications between entities over a network, said method comprising:

communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and

communicating said translated language construct to a second entity as a second transmission over said network.

2. (Original) The method according to claim 1, further comprising communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

3. (Original) The method according to claim 1, wherein said identifying further comprises: retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

retrieving said translated language construct from a table based on said entity information and said selected language construct.

4. (Original) The method according to claim 3, wherein said entity information further comprises a language preference of said second entity.

5. (Original) The method according to claim 1, wherein said selected language construct is a predetermined question to be asked by said first entity in an electronic commerce transaction over said network.

6. (Original) The method according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.
7. (Original) The method according to claim 1, wherein said second transmission is an electronic mail message.
8. (Original) The method according to claim 3, wherein said identifier of said second entity is an electronic mail address of said second entity.
9. (Original) The method according to claim 1, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.
10. (Original) The method according to claim 1, further comprising, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.
11. (Original) The method according to claim 10, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

12. (Original) A machine-readable medium storing executable instructions, which, when executed in a processing system, cause said processing system to perform a method to facilitate translation of communications between entities over a network, said method comprising:

communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and

communicating said translated language construct to a second entity as a second transmission over said network.

13. (Original) The computer readable medium according to claim 12, wherein said method further comprises communicating to a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

14. (Original) The computer readable medium according to claim 12, wherein said identifying further comprises:

retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

retrieving said translated language construct from a table based on said entity information and said selected language construct.

15. (Original) The computer readable medium according to claim 14, wherein said entity information further comprises a language preference of said second entity.

16. (Original) The computer readable medium according to claim 12, wherein said selected language construct is a predetermined question to be asked by said first entity in an electronic commerce transaction over said network.

17. (Original) The computer readable medium according to claim 12, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.
18. (Original) The computer readable medium according to claim 12, wherein said second transmission is an electronic mail message.
19. (Original) The computer readable medium according to claim 14, wherein said identifier of said second entity is an electronic mail address of said second entity.
20. (Original) The computer readable medium according to claim 12, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.
21. (Original) The computer readable medium according to claim 12, wherein said method further comprises, at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.
22. (Original) The computer readable medium according to claim 12, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

23. (Currently amended) A system to facilitate translation of communications between entities over a network, said system comprising:

means for communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network;

~~responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs;~~ means for identifying a translated language construct corresponding to said selected language construct, responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs; and

means for communicating said translated language construct to a second entity as a second transmission over said network.

24. (Original) The system according to claim 23, further comprising means for communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

25. (Original) The system according to claim 23, further comprising:

means for retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity; and

means for retrieving said translated language construct from a table based on said entity information and said selected language construct.

26. (Original) The system according to claim 25, wherein said entity information further comprises a language preference of said second entity.

27. (Original) The system according to claim 23, wherein said selected language construct is a predetermined question to be asked by said first entity in an electronic commerce transaction over said network.

28. (Original) The system according to claim 1, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

29. (Original) The system according to claim 23, wherein said second transmission is an electronic mail message.

30. (Original) The system according to claim 25, wherein said identifier of said second entity is an electronic mail address of said second entity.

31. (Original) The system according to claim 23, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

32. (Original) The system according to claim 23, further comprising, at a network-based transaction facility, means for storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

33. (Original) The system according to claim 32, wherein said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

34. (Original) A system to facilitate translation of communications between entities over a network, said system comprising:

a communications server to communicate a plurality of predetermined language constructs to a first entity as a first transmission over said network; and

a processing server to identify a translated language construct corresponding to a language construct of said plurality or predetermined language constructs, responsive to selection by said first entity of said language construct;

said communication server further to communicate said translated language construct to a second entity as a second transmission over said network.

35. (Original) The system according to claim 34, wherein said communications server further communicates a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct.

36. (Original) The system according to claim 34, wherein said processing server further retrieves entity information relating to said second entity based on an identifier of said second entity selected by said first entity, and retrieves said translated language construct from a table based on said entity information and said selected language construct.

37. (Original) The system according to claim 36, wherein said entity information further comprises a language preference of said second entity.

38. (Original) The system according to claim 34, wherein said selected language construct is a predetermined question to be asked by said first entity in an electronic commerce transaction over said network.

39. (Original) The system according to claim 34, wherein said first transmission is a Hyper Text Markup Language (HTTP) message.

40. (Original) The system according to claim 34, wherein said second transmission is an electronic mail message.

41. (Original) The system according to claim 36, wherein said identifier of said second entity is an electronic mail address of said second entity.

42. (Original) The system according to claim 34, wherein said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission.

43. (Original) The system according to claim 34, wherein, at a network-based transaction facility, said processing server further stores said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs.

44. (Original) The system according to claim 43, wherein said storing by said processing server is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

REMARKS

This is in response to the Office Action mailed on November 24, 2004, and the references cited therewith.

Claim 23 is amended; as a result, claims 1-44 are now pending in this application.

§102 Rejection of the Claims

Claims 1-3, 5-6, 9-14, 16-17, 20-25, 27-28, 31-36, 38-39 and 42-44 were rejected under 35 USC § 102(e) as being anticipated by Nosohara (U.S. 6,571,241).

Applicant respectfully submits that claims 1-3, 5-6, 9-14, 16-17, 20-25, 27-28, 31-36, 38-39 and 42-44 should not be rejected under 35 U.S.C. § 102(e) for the reason that Nosohara does not disclose each and every limitation of the claim 1 of the present application.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 1 includes the following limitations:

communicating said translated language construct to a second entity as a second transmission over said network.

The Office Action, in rejecting claim 1, contends that the above limitation is anticipated by the following disclosure in Nosohara:

The search expression replacement section 107 replaces the input "(cryptography or cipher or encode) and communication" with "({character pullout} (ango) or {character pullout} (anbun) or {character pullout} (angohka)) and {character pullout} (tuusin)" using the word replacement table 1202 shown in FIG. 12B (step S504).

Col. 11, lines 42-44.

The above quote from Nosohara describes replacing input (e.g., “(cryptography or cipher or encode) and communication” with corresponding Japanese words from a word replacement table (e.g., FIG 12B). The Japanese words are utilized as search expressions to search a database (e.g., see FIG 5, S505). The above quote does not describe a communication.

Claim 1 requires communicating a translated language construct to a second entity as a second transmission over a network. For example, a system may receive a selection of a language construct from a first entity that corresponds to a translated language construct that is communicated to a second entity.

In contrast, the above quote from Nosohara does not describe communicating a translated language construct to a second entity; but rather, replacing input with a corresponding Japanese word to search a database (FIG 5, S506). Clearly searching is not communicating. Indeed, Nosohara describes transmitting to a client terminal; however, a search result is transmitted to the client computer (FIG 5, S507) and not a translated language construct, as required by claim 1.

In addition the same client terminal that is described as receiving the search result is also described as transmitting the above described “input” (Col. 8, lines 37-39). Accordingly, the client terminal cannot be a second entity that receives a translated language construct that corresponds to a language construct selected by a first entity, as required by claim 1, because the client terminal cannot be both a first entity and a second entity. In other words, the second entity of claim 1 may be read on the client terminal or the first entity of claim 1 may be read on the client terminal but the second entity and the first entity cannot both be read on the client computer because the second and the first entities are different entities. Nosohara therefore cannot be said to anticipate the above quoted limitation of claim 1 because Nosohara describes a single client terminal that transmits input that is replaced with a corresponding Japanese word to search a database for a search result that is transmitted to the client terminal and claim 1 requires communicating a translated language construct to a second entity as a second transmission over a network.

In summary, Nosohara does not disclose each and every limitation of claim 1, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

Independent claims 12, 23, and 34 each include a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of these independent claims. Accordingly, Applicant requests that the above remarks and amendments contained herein also be considered when examining these other independent claims for allow ability.

As dependent claims are deemed to include all limitations of claims from which they depend, the rejection of claims 2-3, 5-6, 9-11, 13, 14, 16-17, 20-22, 24-25, 27-28, 31-33, 35, 36, 38-39 and 42-44 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein.

§103 Rejection of the Claims

Claims 4, 7-8, 15, 18-19, 26, 29-30, 37 and 40-41 were rejected under 35 USC § 103(a) as being unpatentable over Nosohara in view of Christy (U.S. 6,301,554).

Claims 4, 7-8, depend on independent claim 1 and claims 15, 18-19 depend on independent claim 12 and claims 26, 29-30 depend on independent claim 23 and claims 37 and 40-41 depend on independent claim 34. Dependent claims are deemed to include all limitations of claims from which they depend. The above remarks are accordingly also applicable to a consideration of these dependent claims. Accordingly, Applicant requests that the above remarks and amendments contained herein also be considered when examining these other independent claims for allow ability.

Documents Cited but Not Relied upon for this Office Action

Applicant need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action since these references are not made part of the rejections in this Office Action. Applicant is expressly not admitting to this assertion and reserves the right to address the assertion should it form part of future rejections.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

408-846-8871

Date

4/6/2005

By

Mark R. Vatuone

Mark R. Vatuone

Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of April, 2005.

Peter Rebuffoni

Name

Peter Rebuffoni

Signature



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	204363US1	1851

21186 7590 12/16/2005

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
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MINNEAPOLIS, MN 55402

T_SLW08095

EXAMINER

ENGLAND, DAVID E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PORTFOLIO I.P.
DEC 20 2005
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Office Action Summary	Application No.	Applicant(s)	
	09/976,301	GROVE, STEVE	
	Examiner	Art Unit	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/17/2005</u> <i>DE</i> | 6) <input type="checkbox"/> Other: _____ |

DE

DETAILED ACTION

1. Claims 1 – 48 are presented for examination.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*question*” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*wherein said selected language construct is predetermined question that is asked by said first entity and translated responsive to said selection by said first entity*” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*said predetermined question is asked by said first entity in an electronic commerce transaction over said network*” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*said predetermined question is*

translated responsive to said selection of said first entity by retrieving said translated language construct from a table that includes a plurality translated language constructs of said predetermined question that are respectively translated into different languages” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “second transmission includes a plurality of interactive fields to allow said second entity to respond to said predetermined question that is asked by said first entity” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively translated into a second language based on a language preference of said second entity” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

8. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said

predetermined question that is asked by said first entity” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2143

10. Claims 1 – 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

11. Claims 1, 5, 12, 16, 23, 27, 34, 38 and 45 – 48 recite the use of a predetermined question. There is not disclosure of a predetermined question in the specification. Furthermore, the limitations of newly added claims are not found in the specification. Applicant is asked to specifically point to the specification and drawing to support their newly added and amended claims.

12. Claims that are dependent on claims 1, 5, 12, 16, 23, 27, 34, 38 and 45 – 48 are rejected for their dependency on claims 1, 5, 12, 16, 23, 27, 34, 38 and 45 – 48.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2143

14. Claims 1, 3 – 5, 9 – 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al. (5966685) (hereinafter Flanagan).

15. Referencing claim 1, as closely interpreted by the Examiner, Flanagan teaches a method to facilitate translation of communications between entities over a network, said method comprising:

16. communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network, (e.g., col. 4, lines 21 – 37);

17. responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

18. communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is predetermined setup that is requested by said first entity and translated responsive to said selection by said first entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan does not explicitly teach the use of a question, it is well known in the art and would be obvious to one of ordinary skill in the art that if a user is entering a chat and is required to enter information about what language the user would like information to be presented to them, it would be implied that the system is “asking a question” even though it is not stated in a propositional phrase. Furthermore, both outcomes are the same, the system has information on what language to translate to and/or from.

19. Referencing claim 3, as closely interpreted by the Examiner, Flanagan teaches retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

20. retrieving said translated language construct from a table based on said entity information and said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

21. As to claim 4, as closely interpreted by the Examiner, Flanagan teaches said entity information further comprises a language preference of said second entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

22. Referencing claim 5, as closely interpreted by the Examiner, Flanagan teaches said predetermined setup is requested by said first entity in an electronic commerce transaction over said network, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan does not explicitly teach the use of a question, it is well known in the art and would be obvious to one of ordinary skill in the art that if a user is entering a chat and is required to enter information about what language the user would like information to be presented to them, it would be implied that the system is “asking a question” even though it is not stated in a propositional phrase. Furthermore, both outcomes are the same, the system has information on what language to translate to and/or from.

23. Referencing claim 9, as closely interpreted by the Examiner, Flanagan teaches said translated language construct is generated and stored, and said correspondence to said selected

Art Unit: 2143

language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

24. Referencing claim 10, as closely interpreted by the Examiner, Flanagan teaches at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

25. Referencing claim 11, as closely interpreted by the Examiner, Flanagan teaches said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

26. As per claim 45, as closely interpreted by the Examiner, Flanagan teaches said predetermined question is translated responsive to said selection of said first entity by retrieving said translated language construct from a table that includes a plurality translated language constructs of said predetermined question that are respectively translated into different languages, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

Art Unit: 2143

27. Claims 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 44 are rejected for similar reasons stated above.

28. Claims 2, 6, 7, 13, 17, 18, 24, 28, 29, 35, 39, 40 and 46 – 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan in further view of Scanlan (6857022).

29. Referencing claim 2, as closely interpreted by the Examiner, Flanagan does not specifically teach communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct. Scanlan teaches communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct, (e.g. col. 3, line 63 – col. 4, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Flanagan with Scanlan because utilizing a drop down menu allows the user to not type information into the system and possibly mistyping information, causing errors in the system.

30. Referencing claim 6, as closely interpreted by the Examiner, Flanagan does not specifically teach said first transmission is a Hyper Text Markup Language (HTTP) message. Scanlan teaches said first transmission is a Hyper Text Markup Language (HTTP) message, (e.g., col. 1, lines 17 – 38). It would have been obvious to one of ordinary skill in the art at the

Art Unit: 2143

time the invention was made to combine Scanlan with Flanagan because it would be obvious that in a communication with a web server that the first communication would be a type of HTTP message.

31. As to claim 7, as closely interpreted by the Examiner, Flanagan does not specifically teach said second transmission is an electronic mail message. Scanlan teaches said second transmission is an electronic mail message, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with Flanagan because of similar reasons stated above, also utilizing email gives users the ability to communicate with other users across a network.

32. As per claim 46, as closely interpreted by the Examiner, Flanagan teaches all that is similar to claim 46 as taught in claims 1 and 45 above. Furthermore, Scanlan teaches interactive fields as taught above. Similarly reasons for combining are also found above.

33. As per claim 47, as closely interpreted by the Examiner, Flanagan does not specifically teach said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively translated into a second language based on a language preference of said second entity. Scanlan teaches said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively translated into a second

Art Unit: 2143

language based on a language preference of said second entity, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with Flanagan because of similar reasons stated above.

34. As per claim 48, as closely interpreted by the Examiner, Flanagan does not specifically teach receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity. Scanlan teaches receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with Flanagan because of similar reasons stated above.

35. Claims 13, 17, 18, 24, 28, 29, 35, 39 and 40 are rejected for similar reasons as stated above.

36. Claims 8, 19, 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan in view of Christy (6301554).

Art Unit: 2143

37. As to claim 8, as closely interpreted by the Examiner, Flanagan does not specifically teach said identifier of said second entity is an electronic mail address of said second entity. Christy teaches said identifier of said second entity is an electronic mail address of said second entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Flanagan because of similar reasons stated above. Furthermore, in an email system, in order to send a message, one must have a type of identifier, “an address”, or the email cannot be sent.

38. Claims 19, 30 and 41 are rejected for similar reasons as stated above.

Response to Arguments

39. Applicant's arguments with respect to claims 1 – 48 have been considered but are moot in view of the new ground(s) of rejection.

40.

41.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 43. a. Appleby U.S. Patent No. 6463404 discloses Translation.
- 44. b. Shakib et al. U.S. Patent No. 5778213 discloses Multilingual storage and retrieval.
- 45. c. Chong et al. U.S. Patent No. 5497319 discloses Machine translation and telecommunications system.
- 46. d. Christy U.S. Patent No. 5884247 discloses Method and apparatus for automated language translation.
- 47. e. Flanagan et al. U.S. Patent No. 6292769 discloses System for automated translation of speech.
- 48. f. Horiguchi et al. U.S. Patent No. 6282507 discloses Method and apparatus for interactive source language expression recognition and alternative hypothesis presentation and selection.
- 49. g. Yamauchi et al. U.S. Patent No. 5652896 discloses Language conversion system and text creating system using such.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

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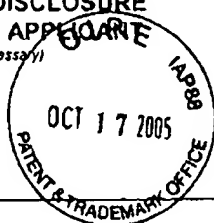
JEFFREY F. W.
PRIMARY EXAMINER

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Complete if Known

Application Number	09/976,301
Filing Date	October 11, 2001
First Named Inventor	Grove, Steve
Group Art Unit	2143
Examiner Name	England, David

Sheet 1 of 1

Attorney Docket No: 2043.053US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
DL	US-5,758,126	05/26/1998	Daniels, Tracy J., et al.	03/19/1996
	US-6,144,984	11/07/2000	DeBenedictis, Erik P., et al.	04/25/1997
	US-6,317,727	11/13/2001	May, R. R.	10/12/1998
	US-6,421,653	07/16/2002	May, R. R.	10/12/1998
	US-6,446,048	09/03/2002	Wells, M. L., et al.	09/03/1999
	US-6,647,373	11/11/2003	Carlton-Foss, John	06/14/1999
	US-6,732,161	04/04/2004	Hess, Martin L., et al.	11/09/1999
DL	US-6,799,165	09/28/2004	Boesjes, E. M.	07/28/1998

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ¹
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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
DL		"International Search Report PCT/US00/17136", PCT/US00/17136,	
DL		"International Search Report PCT/US01/12398", PCT/US01/12398,	
DL		SCHNEIDER, G. M., et al., "An Introduction to Programming and Problem Solving with Pascal", An Introduction to Programming and Problem Solving with Pascal, Second Edition, John Wiley & Sons, Inc., New York, (1982), 3 Pages	

EXAMINER

David England

DATE CONSIDERED

12/8/2005

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language translation is attached.

Notice of References Cited	Application/Control No. 09/976,301	Applicant(s)/Patent Under Reexamination GROVE, STEVE	
	Examiner David E. England	Art Unit 2143	Page 1 of 1.

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,857,022 B1	02-2005	Scanlan, Phillip Lee	709/229
*	B	US-5,966,685 A	10-1999	Flanagan et al.	704/8
*	C	US-6,463,404 B1	10-2002	Appleby, Stephen C	704/9
*	D	US-5,497,319 A	03-1996	Chong et al.	704/2
*	E	US-5,884,247 A	03-1999	Christy, Sam	704/7
*	F	US-6,292,769 B1	09-2001	Flanagan et al.	704/3
*	G	US-6,282,507 B1	08-2001	Horiguchi et al.	704/3
*	H	US-5,778,213	07-1998	Shakib et al.	703/27
*	I	US-5,652,896	07-1997	Yamauchi et al.	704/2
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	3801.P053	1851

8791 7590 11/24/2004

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EXAMINER

ENGLAND, DAVID E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 11/24/2004

RECEIVED

NOV 29 2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
LOS ANGELES

Please find below and/or attached an Office communication concerning this application or proceeding.

Date 2/24/2005 Client: eBay Inc.Docket Initials DT 3801.p053

Dock. Sup. Initials _____

Atty Initials _____ ALM

Pat/Ser/Reg 976,301

1 x

Description:

Response due

11/30/2004 LA Docketing 348857

ENTERED

NOV 30 2004

STATUS

Office Action Summary

Application No.

09/976,301

Applicant(s)

GROVE, STEVE

Examiner

David E. England

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/13/02, 7/8/02, 8/24/02, 10/28/02, 11/22/02, 1/10/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Notice of References Cited	Application/Control No. 09/976,301	Applicant(s)/Patent Under Reexamination GROVE, STEVE	
	Examiner David E. England	Art Unit 2143	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,571,241 B1	05-2003	Nosohara, Makifumi	707/6
	B	US-6,301,554 B1	10-2001	Christy, Samuel T.	704/7
	C	US-6,275,789 B1	08-2001	Moser et al.	704/7
	D	US-6,363,337 B1	03-2002	Amith, Aviel	704/7
	E	US-6,018,742 A	01-2000	Herbert, III, Charles St. John	707/102
	F	US-5,442,782 A	08-1995	Malatesta et al.	707/4
	G	US-6,507,813 B2	01-2003	Veditz et al.	704/8
	H	US-6,205,418 B1	03-2001	Li et al.	704/8
	I	US-6,460,015 B1	10-2002	Hetherington et al.	704/8
	J	US-6,326,985 B1	12-2001	Tazoe et al.	715/764
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PL

DETAILED ACTION

1. Claims 1 – 44 are presented for examination.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “said entity information further comprises a language preference of said second entity” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

Art Unit: 2143

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 3, 5, 6, 9 – 14, 16, 17, 20 – 25, 27, 28, 31 – 36, 38, 39 and 42 – 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Nosohara U.S. Patent No. 6571241.

4. Referencing claim 1, as closely interpreted by the Examiner, Nosohara teaches a method to facilitate translation of communications between entities over a network, said method comprising:

5. communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network, (e.g. col. 7, lines 19 – 32);

6. responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, (e.g. col. 7, lines 33 – 37); and

7. communicating said translated language construct to a second entity as a second transmission over said network, (e.g. col. 11, lines 42 – 57).

8. Referencing claim 2, as closely interpreted by the Examiner, Nosohara teaches communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct, (e.g. col. 2, lines 44 – 57).

9. Referencing claim 3, as closely interpreted by the Examiner, Nosohara teaches retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity, (e.g. col. 2, lines 44 – 57); and

10. retrieving said translated language construct from a table based on said entity information and said selected language construct, (e.g. col. 2, lines 44 – 57).

11. Referencing claim 5, as closely interpreted by the Examiner, Nosohara teaches said selected language construct is a predetermined question to be asked by said first entity in an electronic commerce transaction over said network, (e.g. col. 8, lines 37 – 60, “*Simple Search, Expert Search, Japanese, English*”).

12. Referencing claim 6, as closely interpreted by the Examiner, Nosohara teaches said first transmission is a Hyper Text Markup Language (HTTP) message, (e.g. col. 8, lines 8 – 16).

13. Referencing claim 9, as closely interpreted by the Examiner, Nosohara teaches said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission, (e.g. col. 5, lines 35 – 48 & col. 17, lines 20 – 33).

14. Referencing claim 10, as closely interpreted by the Examiner, Nosohara teaches at a network-based transaction facility, storing said plurality of predetermined language constructs

Art Unit: 2143

and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs, (e.g. col. 5, lines 35 – 48).

15. Referencing claim 11, as closely interpreted by the Examiner, Nosohara teaches said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct, (e.g. col. 5, lines 35 – 48 & col. 17, lines 20 – 33).

16. Claims 12 – 14, 16, 17, 20 – 25, 27, 28, 31 – 36, 38, 39 and 42 – 44 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 4, 7, 8, 15, 18, 19, 26, 29, 30, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nosohara (6571241) in view of Christy (6301554).

Art Unit: 2143

19. As to claim 4, as closely interpreted by the Examiner, Nosohara does not specifically teach said entity information further comprises a language preference of said second entity. Christy teaches said entity information further comprises a language preference of said second entity, (e.g. col. 2, line 47 – col. 3, line 3, “...*invention receive the message translated into their native languages, and their responses are automatically translated into the original sender’s language upon their arrival...*”). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Nosohara because it would be more convenient for the user to only be exposed to his or her native language and not have to be bothered with miss interpreting languages they would have a minimal or no understanding of.

20. As to claim 7, as closely interpreted by the Examiner, Nosohara does not specifically teach said second transmission is an electronic mail message. Christy teaches said second transmission is an electronic mail message, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Nosohara because of similar reasons stated above, also utilizing email gives users the ability to communicate with other users across a network.

21. As to claim 8, as closely interpreted by the Examiner, Nosohara does not specifically teach said identifier of said second entity is an electronic mail address of said second entity. Christy teaches said identifier of said second entity is an electronic mail address of said second entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Nosohara because of similar

Art Unit: 2143

reasons stated above. Furthermore, in an email system, in order to send a message, one must have a type of identifier, "an address", or the email cannot be sent.

22. Claims 15, 18, 19, 26, 29, 30, 37, 40 and 41 are rejected for similar reasons as stated above.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. a. Moser et al. U.S. Patent No. 6275789 discloses Method and apparatus for performing full bidirectional translation between a source language and a linked alternative language.

25. b. Amith U.S. Patent No. 6363337 discloses Translation of data according to a template.

26. c. Herbert, III U.S. Patent No. 6018742 discloses Constructing a bifurcated database of context-dependent and context-independent data items.

27. d. Malatesta et al. U.S. Patent No. 5442782 discloses Providing information from a multilingual database of language-independent and language-dependent items.

28. e. Veditz et al. U.S. Patent No. 6507813 discloses System and method for national language support.

29. f. Li et al. U.S. Patent No. 6205418 discloses System and method for providing multiple language capability in computer-based applications.

Art Unit: 2143

30. g. Hetherington et al. U.S. Patent No. 6460015 discloses Method, system and computer program product for automatic character transliteration in a text string object.

31. h. Tazoe et al. U.S. Patent No. 6326985 discloses Display apparatus and method for controlling the same.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De

William C. Vaughn
Primary Examiner
Art Unit 2143
William C. Vaughn

Substitute for Form 1449A/PTO (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>(Use as many sheets as necessary)</small>				Complete if Known	
				Application Number	09/976,301
				Filing Date	October 11, 2001
				First Named Inventor:	Steve Grove
				Group Art Unit	243 243
				Examiner Name	Not yet assigned
				Attorney Docket Number	3801.P053
Sheet 1		of 1			

U.S. PATENT DOCUMENTS						
Exam. Initial*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Code ²	Kind (If known)			
DL		5,790,790		Smith, et al.	08-04-1998	RECEIVED JUL 12 2002 Technology Center 2100
		5,845,265		Woolston	12-01-1998	
		6,047,264		Fisher, et al.	04-04-2000	
		6,061,448		Smith, et al.	05-09-2000	
		6,085,176		Woolston	07-04-2000	
		6,119,137		Smith, et al.	09-12-2000	
		6,178,408	B1	Copple, et al.	01-23-2001	
		6,192,407	B1	Smith, et al.	02-20-2001	
		6,202,051	B1	Woolston	03-13-2001	
		6,243,691	B1	Fisher, et al.	06-05-2001	

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Exam. Initial*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T*
		Office ³	Number ⁴	Kind Code ⁵ (If known)				

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete If Known

Application Number	09/976,301
Filing Date	October 11, 2001
First Named Inventor	Steve Grove
Group Art Unit	2176 2143
Examiner Name	
Attorney Docket Number	3801P053

Sheet 2 of 2

OTHER ART - NON PATENT LITERATURE DOCUMENTS

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		Filing Date	10/11/01
		First Named Inventor	Steve Grove
		Group Art Unit	2176 2143
		Examiner Name	Not Yet Assigned
Sheet 1 of 8	Attorney Docket Number	3801P053	

U.S. PATENT DOCUMENTS				
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	3,573,747	Adams, et al.	4/6/1971	2/24/1969
	4,412,287	Braddock, III	10/25/1983	9/15/1982
	4,674,044	Kalmus, et al.	4/16/1997	1/30/1985
	4,677,552	Sibley, Jr.	6/30/1987	10/5/1984
	4,789,928	Fujisaki	12/6/1988	1/30/1987
	4,799,156	Shavit, et al.	1/17/1989	10/1/1986
	4,823,265	Nelson	4/18/1989	5/11/1987
	4,903,201	Wagner	2/20/1990	11/3/1983
	5,063,507	Lindsey, et al.	11/5/1991	9/14/1990
	5,077,665	Sliverman, et al.	12/31/1991	5/25/1989
Di	5,101,353	Lupien, et al.	3/31/1992	5/31/1989

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	Office or Country	Number	Date			
Di	PCT	WO 92/15174	2/25/1992	Beaumont-Maxin International	9/3/1992	
Di	PCT	WO 96/34356	4/26/1996	Fleanet, Inc.	10/31/1996	
Di	PCT	WO 97/37315	3/19/1997	Onsale, Inc.	10/9/1997	

OTHER DOCUMENTS			
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Di	MALONE, T.W.; YATES, J; et al., "Electronic Markets and Electronic Hierarchies", <u>Communications - of the ACM</u> , June 1987, Pages 484-497, Vol. 30, No. 6.		
	WARBELOW, A; KOKURYO, J, "Aucnet: TV Auction Network System". <u>Harvard Business School Case/Study</u> , July 1989, Pages 1-15, HBVR# 9-190-001, USA		
	"Personal Optimized Decision/Transaction Program", <u>IBM Technical Disclosure Bulletin</u> , January 1995, Pages 83-84, Vol. 38, No. 1		
Di	NEO, B.S, "The implementation of an electronic market for pig trading in Singapore", <u>Journal of Strategic Information Systems</u> , December 1992, pages 278-288, Vol 1		

Examiner Signature	<i>David England</i>	Date Considered	11/14/04
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		Filing Date	10/11/01
		First Named Inventor	Steve Grove
		Group Art Unit	2170 2143
		Examiner Name	Not Yet Assigned
Sheet 2 of 8	Attorney Docket Number	3801P053	

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Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
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	5,168,446	Wiseman	12/1/1992	5/23/1989
	5,243,515	Lee	9/7/1993	10/30/1990
	5,258,908	Hartheimer, et al.	11/2/1993	11/2/1990
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	5,305,200	Hartheimer, et al.	4/19/1994	11/2/1990
	5,325,297	Bird, et al.	6/28/1994	6/25/1992
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		Office or Country	Number	Date			
DL		Netherland	9300266	2.10.1993			No
DL		France	2658635-A1	2.6.1991			
DL		Canada	2,253,543	3/19/1997			Yes

OTHER DOCUMENTS			
Examiner Initials *		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
DE	9	ROCKOFF, T.E; GROVES, M., "Design of an Internet-based system for remote Dutch auctions", <u>Internet Research - Electronic Networking Applications and Policy</u> , January 1, 1995, Vol 5, No. 4, Pages 10-16.	
	5	MASSIMB, M.N; PHELPS, B.D, "Electronic Trading, Market Structure and Liquidity", <u>Financial Analysts Journal</u> , January - February 1994, Vol 50, No. 1, Pages 39-50.	
	1	POST, D.L; COPPINGER, S.S, et al., "Application of Auctions as a Pricing Mechanism for the Interchange of Electric Power", <u>IEEE Transactions on Power Systems</u> , August 1995, Pages 7, Vol. 10, No. 3.	
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First Named Inventor				Steve Grove	
Group Art Unit				2176 2143	
Examiner Name					
Attorney Docket Number				3801P053	

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		Filing Date	10/11/01
		First Named Inventor	Steve Grove
		Group Art Unit	2445 2143
		Examiner Name	Not Yet Assigned
Sheet 3 of 8	Attorney Docket Number	3801P053	

U.S. PATENT DOCUMENTS				
Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
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	5,640,569	Miller, et al.	6/17/1997	4/28/1995
	5,664,115	Fraser	9/2/1997	6/7/1995
	5,689,652	Lupien, et al.	11/18/1997	4/27/1995
	5,710,889	Clark, et al.	1/20/1998	6/7/1995
	5,715,402	Popolo	2/3/1998	11/9/1995
	5,717,989	Tozzoli, et al.	2/10/1998	10/13/1994
	5,727,165	Ordish, et al.	3/10/1998	12/27/1994
	5,794,219	Brown	8/11/1998	2/20/1996
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DE	PCT	WO99/63461	12/9/1999		
DE	PCT	WO95/17711	6/29/1995		

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DE	RECK, Martin, "Formally Specifying and Automated Trade Execution System", <u>Journal of Systems and Software</u> , 1993, Pages 245-252, Vol. 21.		
	"Anonymous Delivery of Goods in Electronic Commerce", <u>IBM Technical Disclosure Bulletin</u> , March 1996, Pages 363-366, Vol. 39, No. 3.		
	LEE, Ho G., "Electronic Brokerage and Electronic Auction: The Impact of IT on Market Structures", <u>Proceedings of the 29th HICSS</u> , 1996, Pages 397-406, Vol. IV.		
DE	CLEMONS, E; WEBER, B., "Evaluating the Prospects for Alternative Electronic Securities Markets", <u>International Conference on Information Systems</u> , 1991, Pages 53-61, Vol 12.		

Examiner Signature	<i>David England</i>	Date Considered	11/14/04
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		Filing Date	10/11/01
		First Named Inventor	Steve Grove
		Group Art Unit	2478 2473
		Examiner Name	Not Yet Assigned
Sheet 4 of 8	Attorney Docket Number	3801P053	

U.S. PATENT DOCUMENTS				
Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
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DE	1	MARDESICH, J., "Onsale takes auction gavel electronic", <u>Computer Reseller News</u> , July 8, 1996, Page 2 continued on Page 32.	
	1	"Onsale joins fray as online shopping picks up speed: INTERNET BOOMS", <u>Computer Reseller News</u> , June 5, 1995, Page 73 (www.dialogweb.com).	
	1	SIEGMANN, Ken, "Nowhere to go but up", <u>PC Week</u> , October 23, 1995, Page 1-3, Vol. 12, No. 42 (www.dialogweb.com).	
DE	1	"Onsale: Onsale Brings Thrill of Auctions and Bargain Hunting Online; Unique Internet retail service debuts with week-long charity auction for the Computer Museum in Boston", May 24, 1995, (pp 3) Dialog Web. 0489267 BW0022.	

Examiner Signature	<i>David England</i>	Date Considered	11/14/04
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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PTO/SB/08A (10-96)
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO (Modified by BSTZ 6/30/99)		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/976,301
		Filing Date	10/11/01
		First Named Inventor	Steve Grove
		Group Art Unit	2176 2143
		Examiner Name	Not Yet Assigned
Sheet 5 of 8	Attorney Docket Number	3801P053	

U.S. PATENT DOCUMENTS				
Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
DE	5,771,380	Tanaka, et al.	6/23/1998	10/7/1996
	5,771,291	Newton, et al.	6/23/1998	12/11/1995
	5,799,285	Klingman	8/25/1998	8/30/1996
	5,803,500	Mossberg	9/8/1998	3/27/1997
	5,845,265	Woolston	12/1/1998	11/7/1995
	5,872,848	Romney, et al.	2/16/1999	2/18/1997
	5,873,069	Reuhl, et al.	2/16/1999	10/13/1995
	5,884,056	Steele	3/16/1999	12/28/1995
	5,890,138	Godin, et al.	3/30/1999	8/26/1996
	5,905,974	Fraser, et al.	5/18/1999	12/13/1996
	5,905,975	Aussubel	5/18/1999	1/2/1997
DE	5,922,074	Richard, et al.	7/13/1999	2/28/1997

FOREIGN PATENT DOCUMENTS							
Examiner Initials *		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
		Office or Country	Number	Date			

OTHER DOCUMENTS				
Examiner Initials *		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).		Translation Yes/No
DE	9	SCHMID, B.F., "The Development of Electronic Commerce", <u>Newsletter of the Competence Centre Electronic Markets</u> , October 1993, No. 9/10.		
	8	TJOSTHEIM, I; EIDE, J., "A case study of an on-line auction for the World Wide Web", Norwegian Computing Center, No Date Given, www.nr.no/gem/elcom/publikasjoner/enter98e.html .		
	8	GRAHAM, I., "The Emergence of Linked Fish Markets in Europe", <u>Focus Theme</u> , No Date Given.		
DE	10	RECK, Martin, "Traing-Process Characteristics of Electronic Auctions", <u>Focus Theme</u> , No Date Given.		

Examiner Signature	<i>David England</i>	Date Considered	11/14/04
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/976,301
		Filing Date	10/11/01
		First Named Inventor	Steve Grove
		Group Art Unit	2170 243
		Examiner Name	Not Yet Assigned
Sheet 6 of 8	Attorney Docket Number	3801P053	

U.S. PATENT DOCUMENTS					
Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
DE		5,926,794	Fethe	7/20/1999	3/6/1996
		5,991,739	Cupps, et al.	11/23/1999	11/24/1997
		6,035,402	Vaeth, et al.	3/7/2000	12/20/1996
		6,044,363	Mori, et al.	3/28/2000	9/2/1997
		6,055,518	Franklin, et al.	4/25/2000	11/12/1996
		6,058,417	Hess, et al.	5/2/2000	10/23/1998
		6,073,117	Oyanagi, et al.	6/6/2000	3/13/1998
		6,104,815	Alcorn, et al.	8/16/2000	1/9/1998
		5,715,314	Payne, et al.	2/3/1998	10/24/1994
		5,722,418	Bro	3/3/1998	9/30/1994
		5,799,285	Klingman	8/25/1998	8/30/1996
DE		5,803,500	Mossberg	9/8/1998	3/27/1997

FOREIGN PATENT DOCUMENTS							
Examiner Initials *		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
		Office or Country	Number	Date			

OTHER DOCUMENTS			
Examiner Initials *		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
DE	•	VAN HECK, E.; RIBBERS, P.M., "Experiences with Electronic Auctions in the Dutch Flower Industry", <u>Focus Theme</u> , No Date Given.	
	•	LEE, H.G., "AUCNET: Electronic Intermediary for Used-car Transactions", <u>Focus Theme</u> , No Date Given.	
	•	KLEIN, S., "Introduction to Electronic Auctions", <u>Focus Theme</u> , No Date Given	
DE	•	TURBAN, E., "Auctions and Bidding on the Internet an Assessment", <u>Focus Theme</u> , No Date Given.	

Examiner Signature	<i>David England</i>	Date Considered	11/14/04
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Substitute for form 1449A/PTO (Modified by BSTZ 6/30/99) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		OCT 28 2002 U.S. PATENT & TRADEMARK OFFICE		Complete if Known		
		Application Number		09/976,301		
		Filing Date		10/11/01		
		First Named Inventor		Steve Grove		
		Group Art Unit		2176 2143		
Examiner Name		Not Yet Assigned				
Sheet	7	of	8	Attorney Docket Number		3801P053

U.S. PATENT DOCUMENTS				
Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date If Appropriate
DL	5,873,069	Reuhl, et al.	2/16/1999	10/13/1995
	5,722,418	Bro	3/3/1998	9/30/1994
	5,924,072	Havens	7/13/1999	1/6/1997
	5,874,412	Hazelhurst, et al.	10/26/1999	9/24/1997
	5,596,994	Bro	1/28/1997	5/2/1994
	5,857,203	Kauffman, et al.	1/5/1999	7/29/1996
	5,857,201	Wright, Jr., et al.	1/5/1999	6/18/1996
	5,857,188	Douglas	1/5/1999	4/29/1996
	6,161,082	Goldberg, et al.	12/12/2000	11/18/1997
	5,790,790	Smith, et al.	8/4/1998	
	5,845,265	Woolston	12/1/1998	
DL	6,047,264	Fisher, et al.	4/4/2000	

FOREIGN PATENT DOCUMENTS							
Examiner Initials *		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
		Office or Country	Number	Date			

OTHER DOCUMENTS			
Examiner Initials *		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
DL	*	ZWASS, Vladimir, "Electronic Commerce: Structures and Issues", <u>International Journal of Electronic Commerce</u> , Fall 1996, Pages 3-23, Vol, 1, No. 1, pp 3-23 (www.cba.bgsu.edu).	
	*	PRIEST, Chris; van TOL, Maarten, "Adaptive agents in a persistent shout double auction", Proceedings of the First International Conference on Information and Computation Economies, October 25-28, 1998, Charleston, US.	
	*	RESNICK, Paul; ZECKHAUSER, Richard; FRIEDMAN, Eric; KUWABARA, Ko, "Reputation Systems", Association for Computing Machinery, <u>Communications of the ACM</u> , vol. 43, no. 12, pp 45-48 ((Dialog	
DL	*	MEADE, Jim, visual 360: a performance appraisal system that's "fun"., <u>HR Magazine</u> , July, 1999 (Dialog file).	

Examiner Signature	<i>David England</i>	Date Considered	11/14/04
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449A/PTO (Modified by BSTZ 6/30/99) INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/976,301
				Filing Date	10/11/01
				First Named Inventor	Steve Grove
				Group Art Unit	2143 2143
				Examiner Name	Not Yet Assigned
Sheet	8	of	8	Attorney Docket Number	3801P053

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			

OTHER DOCUMENTS			
Examiner Initials *		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No

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Date	Considered
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Form 1449A/PTO				Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	09/976,301
				Filing Date	October 11, 2001
				First Named Inventor	Steve Grove
				Art Unit	2176 2143
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	3801P053

OTHER ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T‡
DH		Andale Overview, http://www.andale.com/corp/products/qs_overview.jsp , Pages 1-4, December 18, 2002	
		Andale Lister: Inventory Dashboard, http://www.andale.com/corp/products/qs_sell_details_invdashboard.jsp , Pages 1-2, December 18, 2002	
		Andale Lister: Bulk List, http://www.andale.com/corp/products/qs_sell_details_bulklist.jsp , Page 1, December 18, 2002	
		Andale Lister, http://www.andale.com/corp/products/sell.jsp , Pages 1-3, December 18, 2002	
		Andale Lister: Launch Scheduler, http://www.andale.com/corp/products/qs_sell_details_launchsched.jsp , Pages 1-2, December 18, 2002	
		Andale Lister: Design Center, http://www.andale.com/corp/products/qs_sell_details_designcenter.jsp , Pages 1-2, December 18, 2002	
DH		Andale Lister: Online or Offline, http://www.andale.com/corp/products/qs_sell_details_onoffline.jsp , Pages 1-2, December 18, 2002	
		Andale Lister: In-line Images, http://www.andale.com/corp/products/qs_sell_details_inlineimg.jsp , Pages 1-2, December 18, 2002	

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Application Number 09/976301

Filing Date October 11, 2001

First Named Inventor Grove, Steve

Group Art Unit 2176 2143

Examiner Name Unknown

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Attorney Docket No: 3801.P053

Sheet 1 of 1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
DE	US-5,724,524	03/03/1998	Hunt, William M., et al.			12/15/1995
	US-5,944,790	08/31/1999	Levy, Daniel R.			07/19/1996
	US-6,058,379	05/02/2000	Odom, James M., et al.			07/11/1997
	US-6,058,417	05/02/2000	Hess, Martin L., et al.	B1		10/23/1998
	US-6,119,229	09/12/2000	Martinez, Ronald, et al.			04/11/1997
DE	US-6,598,026	07/22/2003	Ojha, Purnendu S., et al.			05/25/1999

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T ²
DE	WO-03/038560	05/08/2003	Kotas, Paul, et al.	A2		

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁴
DE		"International Search Report", PCT/US03/17915, (11/26/2003),	

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David England

DATE CONSIDERED

11/14/04

Substitute Disclosure Statement Form (PTO-1449)

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ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18
Stylesheet Version v18.0

Title of Invention	SYSTEM AND METHOD TO FACILITATE TRANSLATION OF COMMUNICATIONS BETWEEN ENTITIES OVER A NETWORK <div>2143</div>
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Application Number: 09/976301
Confirmation Number: 1851
First Named Applicant: Steve Grove
Attorney Docket Number: 3801P053
Art Unit: 2176
Examiner: Unknown Unknown
Search string: (20010029455 or 20030018885 or 5799285 or
5909544 or 6363337 or 6574239).pn.



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US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
<input checked="" type="checkbox"/>	1	20010029455	2001-10-11	Chin, Jeffrey J., et al.			
<input type="checkbox"/>	2	20030018885	2003-01-02	Landsman, Rick W., et al.			
<input type="checkbox"/>	3	5799285	1998-08-25	Klingman, Edwin E.			
<input type="checkbox"/>	4	5909544	1999-06-01	Anderson, Michell M., et al.		395	200.38
<input type="checkbox"/>	5	6363337	2002-03-26	Amith, Aviel			
<input checked="" type="checkbox"/>	6	6574239	2003-06-03	Dowling, Eric M., et al.		370	469

Remarks

Note: Remarks are not for responding to an office action.

Applicants, in accordance with their duty of disclosure under 37 CFR 1.56 and in accordance with 37 CFR 1.97(b)(3), hereby submit this Electronic Information Disclosure Statement citing U.S. Patent Documents for consideration by the Examiner. Pursuant to 37 CFR 1.97, the submission of this Electronic Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is

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material to patentability. This Electronic Information Disclosure Statement is being filed prior to a substantive examination of the claims. Pursuant to 37 CFR 1.97(b), no fee should be required for the filing of this Electronic Information Disclosure Statement. In the event it is determined that a fee is due, please charge the fee to Deposit Account 02-2666. Applicants respectfully request that the cited documents be considered and that the form be initialed by the Examiner to indicate such consideration and a copy thereof be returned to Applicants' attorney of record.

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Complete if Known

Application Number	09976301
Filing Date	October 11, 2001
First Named Inventor	Grove, Steve
Group Art Unit	2176 2143
Examiner Name	Unknown

Sheet 1 of 1

Attorney Docket No: 3801P053

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T ²
DE	JP-02207898	07/26/2002	Yamamoto, Hiroshi			

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

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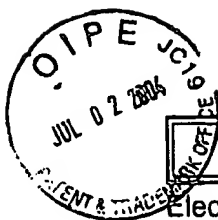
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Substitute Disclosure Statement Form (PTO-1449)

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ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18
Stylesheet Version v18.0

2143

Title of
Invention

SYSTEM AND METHOD TO FACILITATE TRANSLATION
OF COMMUNICATIONS BETWEEN ENTITIES OVER A
NETWORK

Application Number: 09/976301
Confirmation Number: 1851
First Named Applicant: Steve Grove
Attorney Docket Number: 3801P053
Art Unit: 2176
Examiner: Unknown Unknown
Search string: (4864516 or 5872848 or 5884056 or 5890138
or 5905974 or 5905975 or 6035288 or 6266651
or 6266652).pn.



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US Patent Documents

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Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
<input checked="" type="checkbox"/>	1	4864516	1989-09-05	Gaither, William D., et al.			
<input type="checkbox"/>	2	5872848	1999-02-16	Romney, Gordon , et al.			
<input type="checkbox"/>	3	5884056	1999-03-16	Steele, David A.			
<input type="checkbox"/>	4	5890138	1999-03-30	Godin, Paul B., et al.			
<input type="checkbox"/>	5	5905974	1999-05-18	Fraser, , et al.			
<input type="checkbox"/>	6	5905975	1999-05-18	Ausubel, Lawrence M.			
<input type="checkbox"/>	7	6035288	2000-03-07	Solomon,			
<input type="checkbox"/>	8	6266651	2001-07-24	Woolston, Thomas G.			
<input checked="" type="checkbox"/>	9	6266652	2001-07-24	Godin, Paul B., et al.			

Remarks

Note: Remarks are not for responding to an office action.

Applicants, in accordance with their duty of disclosure under 37 CFR 1.56 and in accordance with 37 CFR 1.97(c)(2), hereby submit this Electronic Information

2143

Disclosure Statement citing U.S. Patent documents for consideration by the Examiner. Pursuant to 37 CFR 1.97, the submission of this Electronic Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability. This Electronic Information Disclosure Statement is being filed after the mailing of a first office action and before the mailing of a final office action, notice of allowance, or an action otherwise closing prosecution. Pursuant to 37 CFR 1.97(c)(2), the fee set forth in 37 CFR 1.17(p) of \$180.00 is due for the filing of this Electronic Information Disclosure Statement. Please charge this fee and any other fee that may be due to Deposit Account 02-2666. Applicants respectfully request that the cited documents be considered and that the form be initialed by the Examiner to indicate such consideration and a copy thereof be returned to Applicants' attorney of record.

Signature

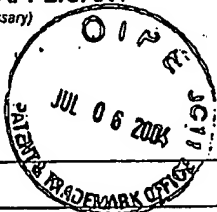
Examiner Name	Date
<i>David England</i>	11/14/04

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**INFORMATION DISCLOSURE
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 PTO/USPOA (10-01)
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 US Patent & Trademark Office, U.S. DEPARTMENT OF COMMERCE

Complete if Known

Application Number	09/976,301
Filing Date	October 11, 2001
First Named Inventor	Grove, Steve
Group Art Unit	2476 2143
Examiner Name	Unknown
Attorney Docket No:	3801P053

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Technology Center 2100

**US PATENT DOCUMENTS
FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T ²
DL	WO-0058862	10/05/2000	Kinney, Sam E., et al.			
DL	WO-0182115	11/01/2001	Wang, Bill H.			
DL	WO-03038560	05/08/2003	Kotas, Paul, et al.		A3	

OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
DL		"International Search Report", PCT/US00/17136, (6/21/00),	
		"International Search Report", PCT/US01/23854, (7/24/01),	
		"International Search Report", PCT/US99/18510, (8/12/99),	
		"International Search Report", PCT/US01/12398, (4/16/01),	
		"International Search Report", PCT/US01/04811, (2/14/01),	
		"International Search Report", PCT/US99/29312, (12/8/99),	
		"International Search Report", PCT/US00/32088, (11/20/00),	
		"International Search Report", PCT/US01/02584, (1/26/01),	
		"Mediapraise", Mediapraise receives national award for web-based technology that enables companies to solve thorn HR problem. Business Editors., (12/14/98),	
		"Subasta.com Enters Into Strategic Partnership With From2.com", Business Wire, 06242815 Dialog File 20: see page 1., (7/16/99),	
		"Subasta.com The Premier Online Auction Board for Latin America, Spain, and the Hispanic Sector of the U.S., Has Attracted Over 60,000 Viewers in Less Than Two Months!", Business Wire, 06240372 Dialog File 20: see all pages., (7/16/99),	
		"United Technologies: UTC's Carrier Corp. Teams With FreeMarkets to Create Largest Asian-based B2B Online Auction Market to Date; UTC Division Identifies Average Annual Savings of More Than 16 Percent on Electric Motors Through FreeMarkets B2B Marketplace", M2 Presswire, 10190474 Dialog File 20: see all pages., (3/22/00),	
		"Yahoo! Auctions Celebrates One-Year Anniversary; As Online Auction Usage Continues to Grow, Yahoo! is Quickly Becoming The World Marketplace of the New Millennium.", Business Wire, 07211889 Dialog File 20: see all pages., (9/14/99),	
		AKIN, D., "Web Retailing Gains Market Muscle As Concerns Fade: Record Season: Increasing Number of Sites Catering For Canadian Dollar", Financial Post, 03856053 Dialog File 20: see all pages., (12/26/98), 7	
DL		MERRILL, KEVIN, "GE Capital to Extend Integrator Buying Spree", Computer Resell News, http://www.cm.com, (7/8/96), p 31-32	

EXAMINER

David England

DATE CONSIDERED

11/04/04

Substitute Disclosure Statement Form (PTO-1448)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language translation is attached



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4_A_T_13657

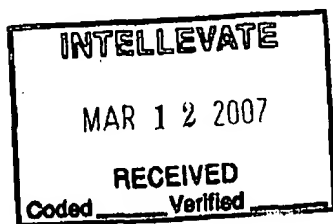
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	2043.053US1	1851
49845 7590 03/09/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER ENGLAND, DAVID E	
			ART UNIT	PAPER NUMBER
			2143	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/09/2007	PAPER	

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Schwegman Lundberg
Woessner & Kluth P.A.

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Office Action Summary	Application No. 09/976,301	Applicant(s) GROVE, STEVE	
	Examiner David E. England	Art Unit 2143	

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/26/2006</u> <i>pl</i> | 6) <input type="checkbox"/> Other: _____ |

DL

DETAILED ACTION

1. Claims 1 – 48 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 – 5, 9 – 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al. (5966685) (hereinafter Flanagan) in view of Appleby (6463404).
4. Referencing claim 1, as closely interpreted by the Examiner, Flanagan teaches a method to facilitate translation of communications between entities over a network, said method comprising:
 5. communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network, (e.g., col. 4, lines 21 – 37);
 6. responsive to receipt of a selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, said identifying based on entity information

Art Unit: 2143

relating to a second entity and said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

7. communicating said translated language construct to said second entity as a second transmission over said network, said selected language construct is predetermined setup that is requested by said first entity, said translated language construct is a translation of said predetermined question that is identified responsive to receipt of said selection by said first entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36, Translating the question “What?” or “Who”). Although, Flanagan could teach one word questions or phrases, multiword phrases are not specifically stated as being predetermined. Appleby teaches said translated language construct is a translation of said predetermined phrase that is identified responsive to receipt of said selection by said first entity, (e.g., col. 4, lines 32 – 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Appleby with Flanagan because specific phrases cannot be translated word for word and would therefore need to be grouped and translated as predetermined phrases. Although Flanagan and Appleby do not explicitly teach the use of a question, it is well known in the art and would be obvious to one of ordinary skill in the art that if a user is entering a chat and is required to enter information about what language the user would like information to be presented to them, it would be implied that the system is “asking a question” even though it is not stated in a propositional phrase. Furthermore, both outcomes are the same, the system has information on what language to translate to and/or from.

Art Unit: 2143

8. Referencing claim 3, as closely interpreted by the Examiner, Flanagan teaches retrieving said entity information relating to said second entity based on an identifier of said second entity selected by said first entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

9. retrieving said translated language construct from a table based on said entity information and said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

10. As to claim 4, as closely interpreted by the Examiner, Flanagan teaches said entity information further comprises a language preference of said second entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

11. Referencing claim 5, as closely interpreted by the Examiner, Flanagan teaches said predetermined setup is requested by said first entity in an electronic commerce transaction over said network, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan does not explicitly teach the use of a question, it is well known in the art and would be obvious to one of ordinary skill in the art that if a user is entering a chat and is required to enter information about what language the user would like information to be presented to them, it would be implied that the system is “asking a question” even though it is not stated in a propositional phrase.

Furthermore, both outcomes are the same, the system has information on what language to translate to and/or from.

12. Referencing claim 9, as closely interpreted by the Examiner, Flanagan teaches said translated language construct is generated and stored, and said correspondence to said selected

language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

13. Referencing claim 10, as closely interpreted by the Examiner, Flanagan teaches at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

14. Referencing claim 11, as closely interpreted by the Examiner, Flanagan teaches said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

15. As per claim 45, as closely interpreted by the Examiner, Flanagan teaches said predetermined question is translated responsive to said selection of said first entity by retrieving said translated language construct from a table that includes a plurality translated language constructs of said predetermined question that are respectively translated into different languages, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

Art Unit: 2143

16. Claims 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 44 are rejected for similar reasons stated above.

17. Claims 2, 6, 7, 13, 17, 18, 24, 28, 29, 35, 39, 40 and 46 – 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan and Appleby in further view of Scanlan (6857022).

18. Referencing claim 2, as closely interpreted by the Examiner, Flanagan and Appleby do not specifically teach communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct. Scanlan teaches communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct, (e.g. col. 3, line 63 – col. 4, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan and Appleby with because utilizing a drop down menu allows the user to not type information into the system and possibly mistyping information, causing errors in the system.

19. Referencing claim 6, as closely interpreted by the Examiner, Flanagan and Appleby do not specifically teach said first transmission is a Hyper Text Markup Language (HTTP) message. Scanlan teaches said first transmission is a Hyper Text Markup Language (HTTP) message, (e.g., col. 1, lines 17 – 38). It would have been obvious to one of ordinary skill in the art at the

Art Unit: 2143

time the invention was made to combine Scanlan with the combine inventions of Flanagan and Appleby because it would be obvious that in a communication with a web server that the first communication would be a type of HTTP message.

20. As to claim 7, as closely interpreted by the Examiner, Flanagan and Appleby do not specifically teach said second transmission is an electronic mail message. Scanlan teaches said second transmission is an electronic mail message, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan and Appleby because of similar reasons stated above, also utilizing email gives users the ability to communicate with other users across a network.

21. As per claim 46, as closely interpreted by the Examiner, Flanagan teaches all that is similar to claim 46 as taught in claims 1 and 45 above. Furthermore, Scanlan teaches interactive fields as taught above. Similarly reasons for combining are also found above.

22. As per claim 47, as closely interpreted by the Examiner, Flanagan and Appleby do not specifically teach said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively translated into a second language based on a language preference of said second entity. Scanlan teaches said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively translated into a second

language based on a language preference of said second entity, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan and Appleby because of similar reasons stated above.

23. As per claim 48, as closely interpreted by the Examiner, Flanagan and Appleby do not specifically teach receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity. Scanlan teaches receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan and Appleby because of similar reasons stated above.

24. Claims 13, 17, 18, 24, 28, 29, 35, 39 and 40 are rejected for similar reasons as stated above.

25. Claims 8, 19, 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan and Appleby in view of Christy (6301554).

26. As to claim 8, as closely interpreted by the Examiner, Flanagan and Appleby do not specifically teach said identifier of said second entity is an electronic mail address of said second entity. Christy teaches said identifier of said second entity is an electronic mail address of said second entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with the combine inventions of Flanagan and Appleby because of similar reasons stated above. Furthermore, in an email system, in order to send a message, one must have a type of identifier, “an address”, or the email cannot be sent.

27. Claims 19, 30 and 41 are rejected for similar reasons as stated above.

Response to Arguments

28. Applicant's arguments with respect to claims 1 – 48 have been considered but are moot in view of the new ground(s) of rejection.

29. Applicant is invited to contact the Examiner to further discuss this viewpoint if needed.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Examiner
Art Unit 2143

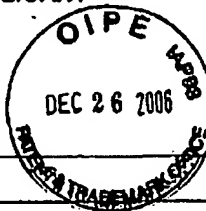
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Complete if Known

Application Number	09/976,301
Filing Date	October 11, 2001
First Named Inventor	Grove, Steve
Group Art Unit	2143
Examiner Name	England, David

Sheet 1 of 1

Attorney Docket No: 2043.053US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date if Appropriate
DE	US-2002/0046137A1	04/18/2002	Odom, J. M., et al.	12/07/2001
DE	US-2002/0073111A1	06/13/2002	Heyliger, D. K.	06/27/2001
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DE	US-5,846,265	12/08/1998	McGregor, R., et al.	07/26/1996
DE	US-5,854,997	12/29/1998	Sukeda, H., et al.	09/07/1995
DE	US-7,076,453	07/11/2006	Jammes, P. J., et al.	06/04/2002

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ¹
DE	JP-04-094643	03/25/2004	Hirotsu, Y.	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
DE		"New eBay-like auction software released", <u>Business Wire</u> , Business Editors/High-Tech Writers; Business Wire; New York, (Mar. 17, 1999), 2 pp.	
DE		"Yahoo Homepage", Internet Archive Wayback Machine, http://web.archive.org/web/19991003015603/http://www.yahoo.com/index.html , (Oct. 3, 1999), 1 p.	
DE		"Yahoo! - Regional: Countries: Afghanistan", http://web.archive.org/web/20060921181441/http://dir.yahoo.com/Regional/countries/afghanistan , (June 16, 1997).	
DE		"Yahoo! - Regional: Countries: Sweden", http://web.archive.org/web/19970616194441/www.yahoo.com/Regional/Countries/Sweden/ , (June 16, 1997).	

EXAMINER

/David England/

David England

DATE CONSIDERED

03/04/2007

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 Applicant to place a check mark here if English language Translation is attached

Notice of References Cited	Application/Control No. 09/976,301	Applicant(s)/Patent Under Reexamination GROVE, STEVE	
	Examiner David E. England	Art Unit 2143	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,463,404 B1	10-2002	Appleby, Stephen C	704/9
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	2043.53US1	1851

49845 7590 08/25/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

ENGLAND, DAVID E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 08/25/2006

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Woessner & Kluth, P.A.

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Office Action Summary

Application No.

09/976,301

Applicant(s)

GROVE, STEVE

Examiner

David E. England

Art Unit

2143

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Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

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- 4) ☒ Claim(s) 1 - 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
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- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/19/2006</u> <i>PL</i> | 6) <input type="checkbox"/> Other: _____ |

PL

DETAILED ACTION

1. Claims 1 – 48 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 – 5, 9 – 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al. (5966685) (hereinafter Flanagan).

4. Referencing claim 1, as closely interpreted by the Examiner, Flanagan teaches a method to facilitate translation of communications between entities over a network, said method comprising:

5. communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network, (e.g., col. 4, lines 21 – 37);

6. responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

Art Unit: 2143

7. communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is predetermined setup that is requested by said first entity and translated responsive to said selection by said first entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan does not explicitly teach the use of a question, it is well known in the art and would be obvious to one of ordinary skill in the art that if a user is entering a chat and is required to enter information about what language the user would like information to be presented to them, it would be implied that the system is “asking a question” even though it is not stated in a propositional phrase. Furthermore, both outcomes are the same, the system has information on what language to translate to and/or from.
8. Referencing claim 3, as closely interpreted by the Examiner, Flanagan teaches retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and
9. retrieving said translated language construct from a table based on said entity information and said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).
10. As to claim 4, as closely interpreted by the Examiner, Flanagan teaches said entity information further comprises a language preference of said second entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).
11. Referencing claim 5, as closely interpreted by the Examiner, Flanagan teaches said predetermined setup is requested by said first entity in an electronic commerce transaction over

Art Unit: 2143

said network, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan does not explicitly teach the use of a question, it is well known in the art and would be obvious to one of ordinary skill in the art that if a user is entering a chat and is required to enter information about what language the user would like information to be presented to them, it would be implied that the system is “asking a question” even though it is not stated in a propositional phrase. Furthermore, both outcomes are the same, the system has information on what language to translate to and/or from.

12. Referencing claim 9, as closely interpreted by the Examiner, Flanagan teaches said translated language construct is generated and stored, and said correspondence to said selected language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

13. Referencing claim 10, as closely interpreted by the Examiner, Flanagan teaches at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

14. Referencing claim 11, as closely interpreted by the Examiner, Flanagan teaches said storing is so as to define a correspondence between a set of said plurality of translated language

Art Unit: 2143

constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

15. As per claim 45, as closely interpreted by the Examiner, Flanagan teaches said predetermined question is translated responsive to said selection of said first entity by retrieving said translated language construct from a table that includes a plurality translated language constructs of said predetermined question that are respectively translated into different languages, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

16. Claims 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 44 are rejected for similar reasons stated above.

17. Claims 2, 6, 7, 13, 17, 18, 24, 28, 29, 35, 39, 40 and 46 – 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan in further view of Scanlan (6857022).

18. Referencing claim 2, as closely interpreted by the Examiner, Flanagan does not specifically teach communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct. Scanlan teaches communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct, (e.g. col. 3, line 63

Art Unit: 2143

– col. 4, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Flanagan with Scanlan because utilizing a drop down menu allows the user to not type information into the system and possibly mistyping information, causing errors in the system.

19. Referencing claim 6, as closely interpreted by the Examiner, Flanagan does not specifically teach said first transmission is a Hyper Text Markup Language (HT'IP) message. Scanlan teaches said first transmission is a Hyper Text Markup Language (HT'IP) message, (e.g., col. 1, lines 17 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with Flanagan because it would be obvious that in a communication with a web server that the first communication would be a type of HTTP message.

20. As to claim 7, as closely interpreted by the Examiner, Flanagan does not specifically teach said second transmission is an electronic mail message. Scanlan teaches said second transmission is an electronic mail message, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with Flanagan because of similar reasons stated above, also utilizing email gives users the ability to communicate with other users across a network.

Art Unit: 2143

21. As per claim 46, as closely interpreted by the Examiner, Flanagan teaches all that is similar to claim 46 as taught in claims 1 and 45 above. Furthermore, Scanlan teaches interactive fields as taught above. Similarly reasons for combining are also found above.

22. As per claim 47, as closely interpreted by the Examiner, Flanagan does not specifically teach said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively translated into a second language based on a language preference of said second entity. Scanlan teaches said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively translated into a second language based on a language preference of said second entity, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with Flanagan because of similar reasons stated above.

23. As per claim 48, as closely interpreted by the Examiner, Flanagan does not specifically teach receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity. Scanlan teaches receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity,

Art Unit: 2143

(e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with Flanagan because of similar reasons stated above.

24. Claims 13, 17, 18, 24, 28, 29, 35, 39 and 40 are rejected for similar reasons as stated above.

25. Claims 8, 19, 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan in view of Christy (6301554).

26. As to claim 8, as closely interpreted by the Examiner, Flanagan does not specifically teach said identifier of said second entity is an electronic mail address of said second entity. Christy teaches said identifier of said second entity is an electronic mail address of said second entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Flanagan because of similar reasons stated above. Furthermore, in an email system, in order to send a message, one must have a type of identifier, “an address”, or the email cannot be sent.

27. Claims 19, 30 and 41 are rejected for similar reasons as stated above.

Response to Arguments

28. Applicant's arguments filed 05/19/2006 have been fully considered but they are not persuasive.

29. In the Remarks, Applicant argues in substance that Flanagan does not teach a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity. Applicant further states that Flanagan teaches the user may choose a language preference by selecting the English forum 58. The English forum is associated with the following translations: English to French; English to German; French to English; and German to English. Applicant states that this is not the analogues to asking a question. Applicant also states that Flanagan may be associated with drawbacks, as noted in the Background section of the present application, paragraphs 2-4, which is also why Flanagan cannot be said to teach or suggest the above quoted limitations.

30. As to the First Remark, Examiner has stated that selecting a language as taught in Flanagan could be interpreted as asking a question. The translation "parings", example English to French, could also be interpreted as a user being queried, "What would you like to translate this to?" Anyone of ordinary skill in the art could interpret this type of language selection as a type of question. As stated before, it can be implied that the system is "asking a question" even though it is not stated in a propositional phrase. All other claims are still rejected for similar reasons stated above.

31. Applicant is invited to contact the Examiner to further discuss this viewpoint if needed.

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

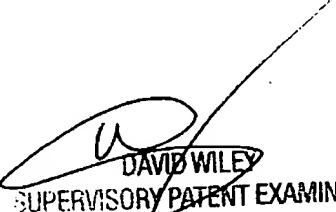
Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Examiner
Art Unit 2143

DE

DL


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



Approved for use through 10/31/2002. OMB 05-1-001
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Substitute for Form 1449A/PTO
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Complete if Known

Application Number	09/976,301
Filing Date	October 11, 2001
First Named Inventor	Grove, Steve
Group Art Unit	2143
Examiner Name	England, David

Sheet 1 of 2

Attorney Docket No: 2043.053US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date if Appropriate
DE	US-20010039531A1	11/08/2001	Aoki, Y.	02/22/2001
DE	US-20020082977A1	06/27/2002	Hammond, M. S., et al.	09/24/2001
DE	US-20020099562A1	07/25/2002	Bruce, M. G., et al.	07/31/2001
DE	US-20020123959A1	09/05/2002	Mozley, M., et al.	01/29/2002
DE	US-20050240392A1	10/27/2005	Munro, W.B. J., et al.	04/23/2004
DE	US-6,134,533	10/17/2000	Shell, A. M.	11/25/1996
DE	US-6,151,589	11/21/2000	Aggarwal, C. C., et al.	09/10/1998
DE	US-6,336,105	01/01/2002	Conklin, Jeffrey, et al.	11/16/1998
DE	US-6,415,270	07/02/2002	Rackson, R. I., et al.	11/15/1999

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
	JP-2000-322490	11/24/2000	Kawamura, M., et al.	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
DE		"Hello direct store joins eBay network of merchants", <u>PR Newswire</u> , New York, NY, (May 23, 2002), 1 pg.	
DE		"Mediappraise Receives National Award For Web-based Technology That Enables Companies To Solve Thorny HR Problem", <u>Business Wire Press Release</u> , (Dec. 15, 1998), 1-2	
DE		"Yahoo! Auctions Celebrates One-Year Anniversary; As Online Auction Usage Continues to Grow, Yahoo! Is Quickly Becoming the World Marketplace of the New Millennium", <u>Business Wire</u> , (Sept. 14, 1999), 3 pages	
DE		AKIN, DAVID, "Web retailing gains market muscle as concerns fade: Record season: Increasing number of sites catering for Canadian dollars", <u>Financial Post</u> , p04, (12/26/98), 3 pages	
DE		BUSINESS WIRE, "Subasta.com, the Premier Online Auction Board for Latin America, Spain, and the Hispanic Sector of the U.S., Has Attracted Over 60,000 Viewers in Less Than Two Months!", <u>Business Wire</u> , (7/16/99), 2 pages	
DE		GRUBBS, L., "Top 5 auction utilities", <u>PC World.com</u> , San Francisco, CA, (Dec. 4, 2000), 1 pg.	
DE		M2 PRESSWIRE, "HP completes online strategy with launch of e-commerce site", <u>Proquest#43225990</u> , (June 29, 1999), 3 pgs.	

EXAMINER

David England

/David England/ DATE CONSIDERED

08/19/2006

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

DE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)	Complete if Known	
	Application Number	09/976,301
	Filing Date	October 11, 2001
	First Named Inventor	Grove, Steve
	Group Art Unit	2143
	Examiner Name	England, David
Sheet 2 of 2		Attorney Docket No: 2043.053US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
DE		M2 PRESSWIRE, "UNITED TECHNOLOGIES: UTC's Carrier Corp. teams with FreeMarkets to create largest Asian-based B2B online auction market to date; UTC Division identifies average annual savings of more than 16 percent on electric motors through FreeMarkets B2B eMarketpla", M2 Presswire, (March 22, 2000), 2 pages	
DE		MERRILL, KEVIN, "GE Capital to extend integrator buying spree. (GE Capital Technology", Computer Reseller News, n691, (July 8, 1996), 2(1)	

EXAMINER

David England

/David England/

DATE CONSIDERED

08/19/2006

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional) : Applicant is to place a check mark here if English language translation is attached

PK



UNITED STATES PATENT AND TRADEMARK OFFICE

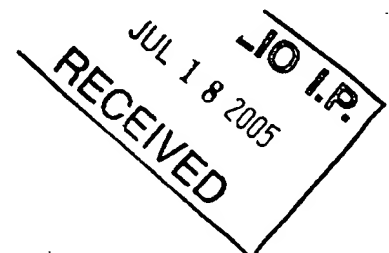
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2043-053US1
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	3801.P053	1851
49845	7590	07/13/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.			ENGLAND, DAVID E	
EBAY			ART UNIT	
P.O. BOX 2938			PAPER NUMBER	
MINNEAPOLIS, MN 55402-0938			2143	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/976,301

Applicant(s)

GROVE, STEVE

Examiner

David E. England

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/08/2005
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DL

DETAILED ACTION

1. Claims 1 – 44 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 3, 5, 6, 9 – 14, 16, 17, 20 – 25, 27, 28, 31 – 36, 38, 39 and 42 – 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Nosohara U.S. Patent No. 6571241.

4. Referencing claim 1, as closely interpreted by the Examiner, Nosohara teaches a method to facilitate translation of communications between entities over a network, said method comprising:

5. communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network, (e.g. col. 7, lines 19 – 32);

6. responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, (e.g. col. 7, lines 33 – 37); and

7. communicating said translated language construct to a second entity as a second transmission over said network, (e.g. col. 11, lines 42 – 57).

8. Referencing claim 2, as closely interpreted by the Examiner, Nosohara teaches communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct, (e.g. col. 2, lines 44 – 57).
9. Referencing claim 3, as closely interpreted by the Examiner, Nosohara teaches retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity, (e.g. col. 2, lines 44 – 57); and
10. retrieving said translated language construct from a table based on said entity information and said selected language construct, (e.g. col. 2, lines 44 – 57).
11. Referencing claim 5, as closely interpreted by the Examiner, Nosohara teaches said selected language construct is a predetermined question to be asked by said first entity in an electronic commerce transaction over said network, (e.g. col. 8, lines 37 – 60, *"Simple Search, Expert Search, Japanese, English"*).
12. Referencing claim 6, as closely interpreted by the Examiner, Nosohara teaches said first transmission is a Hyper Text Markup Language (HTTP) message, (e.g. col. 8, lines 8 – 16).
13. Referencing claim 9, as closely interpreted by the Examiner, Nosohara teaches said translated language construct is generated and stored, and said correspondence to said selected

Art Unit: 2143

language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission, (e.g. col. 5, lines 35 – 48 & col. 17, lines 20 – 33).

14. Referencing claim 10, as closely interpreted by the Examiner, Nosohara teaches at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs, (e.g. col. 5, lines 35 – 48).

15. Referencing claim 11, as closely interpreted by the Examiner, Nosohara teaches said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct, (e.g. col. 5, lines 35 – 48 & col. 17, lines 20 – 33).

16. Claims 12 – 14, 16, 17, 20 – 25, 27, 28, 31 – 36, 38, 39 and 42 – 44 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2143

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 4, 7, 8, 15, 18, 19, 26, 29, 30, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nosohara (6571241) in view of Christy (6301554).

19. As to claim 4, as closely interpreted by the Examiner, Nosohara does not specifically teach said entity information further comprises a language preference of said second entity. Christy teaches said entity information further comprises a language preference of said second entity, (e.g. col. 2, line 47 – col. 3, line 3, “...*invention receive the message translated into their native languages, and their responses are automatically translated into the original sender’s language upon their arrival...*”). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Nosohara because it would be more convenient for the user to only be exposed to his or her native language and not have to be bothered with miss interpreting languages they would have a minimal or no understanding of.

20. As to claim 7, as closely interpreted by the Examiner, Nosohara does not specifically teach said second transmission is an electronic mail message. Christy teaches said second transmission is an electronic mail message, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Nosohara because of similar reasons stated above, also utilizing email gives users the ability to communicate with other users across a network.

21. As to claim 8, as closely interpreted by the Examiner, Nosohara does not specifically teach said identifier of said second entity is an electronic mail address of said second entity. Christy teaches said identifier of said second entity is an electronic mail address of said second entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Nosohara because of similar reasons stated above. Furthermore, in an email system, in order to send a message, one must have a type of identifier, “an address”, or the email cannot be sent.

22. Claims 15, 18, 19, 26, 29, 30, 37, 40 and 41 are rejected for similar reasons as stated above.

Response to Arguments

23. Applicant's arguments filed 04/08/2005 have been fully considered but they are not persuasive.

24. In the Remarks, Applicant argues in substance that Nosohara does not describe communicating a translated language construct to a second entity; but rather, replacing input with a corresponding Japanese word to search a database. Applicant also states that this is not communicating and Nosohara describes transmitting to a client terminal; however, a search result is transmitted to the client computer and not a translated language construct. In addition the same client terminal that is described as receiving the search result is also described as transmitting the above described “input”. Accordingly, the client terminal cannot be a second

entity that receives a translated language construct that corresponds to a language construct selected by a first entity, as required by claim 1, because the client terminal cannot be both a first entity and a second entity.

25. As to part 1, Examiner would like to draw the Applicant's attention to the drawings of Nosohara. In which one can see in Figure 1, a plurality of client terminals 101, a network 102 and an Information Search Apparatus 103. One can interpret the Information Search Apparatus 103 as a first entity and the client terminals 101 as a second entity. Furthermore, Applicant does not specifically distinguish what the first and second entity could be. Also, in the claim language the Applicant does not describe what a language construct is or could be. Applicant states in the specification that a language constructs can be, "sentences, phrases, questions, or any other known type of language constructs". This leaves the claim language broad in interpretation. This also can be interpreted as grouping word that does not have to have a specific order, such as a search. It is also improper to define a term while using the term in its own definition. If the Applicant were to look at columns 13 and 14, they would see that the system converts English to Japanese and vice versa, (e.g., col. 14, lines 30 et seq. "*Translation*"). Applicant is also reminded when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion

of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

26. In the Remarks, Applicant argues in substance that dependent claims are deemed to include all limitations of claims from which they depend the above remarks are accordingly also applicable to a consideration of these dependent claims and are therefore be considered allowable.

27. As to part 2, Applicant is asked to apply the response to Remarks made above to this response, for it holds the same weight.

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912.

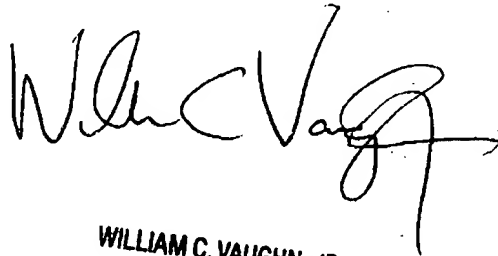
The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De

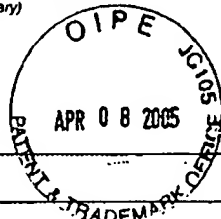


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known

Application Number 09/976,301
Filing Date October 11, 2001
First Named Inventor Grove, Steve
Group Art Unit 2143
Examiner Name England, David

Sheet 1 of 1

Attorney Docket No: 2043.053US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
DE	US-5,874,412	02/23/1999	Priebe, Waldemar, et al.	03/21/1997
DE	US-6,061,448	05/09/2000	Smith, Jeffrey, et al.	04/01/1997

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published.	T ³
DE		BAUMANN, G W., "Personal Optimized Decision/Transaction Program", IBM Technical Disclosure Bulletin, (January 1995), 83-84	
DE		BUSINESS WIRE, "Subasta.com Enters Into Strategic Partnership with From2.com", Business Wire, Obtained from Proquest, Document No. 43206061, (July 16, 1999), 2 pages	
DE		BUSINESS WIRE, "Yahoo! Launches Three New European Auctions Services; Yahoo! Italy, Yahoo! Spain and Yahoo! Sweden Unveil New Local Auctions", Business Wire, Obtained from Proquest, Document No. 45061209, (September 23, 1999), 3 pages	
DE		COOPER, C., et al., "Playing Catch-Up: U.S. Web Firms Get Slow Start in Europe, Amid Crowded Field -- Used to Being First and Best at Home, They Stumble in World's No. 2 Market - Pouncing on Amazon Delays", Wall Street Journal Europe, Obtained from Proquest, Document No. 46338867, (November 15, 1999), 5 pages	
DE		POLLICK, M., "Sold! on eBay: As antique and collectible dealers see their sales increase through online auctions such as eBay, more of them are deciding that the internet is not something to be afraid of", Sarasota Herald Tribune, Obtained from Proquest, Document No. 45499060, (October 11, 1999), 8 pages	
DE		PR NEWswire EUROPE LTD., "Mitsubishi Venture, Wells Fargo Partner To Offer Multi-Currency E-Commerce Storefront", PR Newswire, Obtained from Proquest, Document No. 39345965, (March 1, 1999), 3 pages	
DE		WILSON, T., "Act Globally, Think Locally", InternetWeek, Issue 789, Obtained from Proquest, Document No. 46352181, (November 15, 1999), 4 p.	

EXAMINER

David England

DATE CONSIDERED

6/30/2005

Substitute Disclosure Statement Form (PTO-1443)

* EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * Applicant's unique citation designation number (optional) * Applicant is to place a check mark here if English language Translation is attached

DE

*ebay*

4_A_T_12430

409_A_T_00335

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	2043.53US1	1851

49845 7590 11/30/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY
P.O. BOX 2938
MINNEAPOLIS, MN 55402

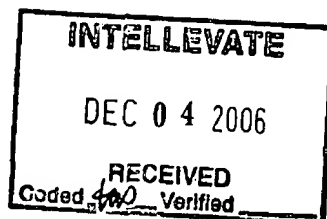
EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Schwegman, Lundberg,
Woessner & Kluth, P.A.

DEC 04 2006

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/976,301

Applicant(s)

GROVE, STEVE

Examiner

David E. England

Art Unit

2143

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-48.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant states that Flanagan does not "ask a question" as to what the language construct would be changed to. The Applicant utilizes an example of a language construct such as "what is your address?" and having it transferred from English to French. As interpreted by the Examiner when the Applicant states "that a language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity", it makes it seem that the "question" is what language the user would like it use. The Applicant's example above is not stated in a way that reads on the one interpretation of that can be taken from their claims. All other arguments fall under this interpretation of the Applicant's claim languages.

The Applicant is encouraged to contact the Examiner to further expedite prosecution and discuss the apparent ambiguity in the claim interpretation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	2043.53US1	1851

21186 7590 09/30/2005

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
1600 TCF TOWER
121 SOUTH EIGHT STREET
MINNEAPOLIS, MN 55402

EXAMINER

ENGLAND, DAVID E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PORTFOLIO I.P.

OCT 03 2005

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/976,301

Applicant(s)

GROVE, STEVE

Examiner

David E. England

Art Unit

2143

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-44.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): _____.
13. ☐ Other: _____.


DAVID WILEY
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The newly added claim limitation of "wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity" further limits the claim language and could overcome the prior art but would require further search and consideration.

S/N 09/602,110

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Joshua D. Knepfle, et al.	Examiner: Jeffrey R. Swearingen
Serial No.:	09/602,110	Group Art Unit: 2145
Filed:	June 21, 2000	Docket No.: 2043.020US1
Title:	METHOD AND SYSTEM FOR DEFINING AND UPLOADING MULTIPLE TRANSACTION DESCRIPTIONS FROM A CLIENT TO A NETWORK- BASED TRANSACTION FACILITY	

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Office Action mailed on April 5, 2005. Please amend the above-identified patent application as follows.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a 1-month extension of the period for responding to the Office Action, thereby moving the deadline for response from July 5, 2005 to August 5, 2005.

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A computer-implemented method to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the method including comprising:

generating a set of multiple transaction descriptions, wherein each of the transaction descriptions describes a transaction listing, the generating including,

at a client computer, executing an upload application to present presenting an input interface to receive a transaction description, wherein the transaction description comprising includes a plurality of data items, and wherein the input interface presenting includes a plurality of input fields to receive the plurality of data items; and

at the client computer, executing the upload application to perform performing a verification of each of the plurality of data items within the transaction description as received via the input interface; and

at the client computer, executing the upload application automatically to compose a data file including a plurality of transaction descriptions; and

at the client computer, executing the upload application to propagate the data file from the client computer uploading the set to [[the]] a network-based transaction facility via a network.

2. (Currently Amended) The method of claim 1, the generating of the set further including wherein, at the client computer, the upload application presents presenting a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions.

3. (Currently Amended) The method of claim 2, the generating further including wherein the upload application presents presenting navigation indicia to facilitate navigation between the plurality of input interfaces.

4. (Currently Amended) The method of claim ~~[[1]]~~ 2, wherein the receiving of the transaction ~~description~~ descriptions and the ~~composing of the data file are~~ is performed prior to establishing a network session ~~between the client computer and~~ with the network-based transaction facility.
5. (Original) The method of claim 1 wherein the receiving of the transaction description includes determining whether an input template is designated for the transaction description and, if so, receiving at least one of the plurality of data items from the template into the transaction description.
6. (Currently Amended) The method of claim 1, ~~wherein the upload application presents~~ further comprising presenting a list window displaying ~~a list of the plurality~~ the set of multiple transaction descriptions.
7. (Canceled)
8. (Currently Amended) The method of claim 1, ~~wherein the upload application verifies the~~ performing of the verification includes verifying a format of a first data item of the transaction description as received via the input interface.
9. (Currently Amended) The method of claim 1, ~~wherein the upload application verifies~~ performing of the verification includes verifying legality of a first data item of the transaction description as ~~receive~~ received via the input interface.
10. (Currently Amended) The method of claim 1, ~~wherein the upload application verifies~~ performing of the verification includes verifying contents of a first data item of the transaction description as received via the input interface.

11. (Currently Amended) The method of claim 10, wherein the contents of a first data item ~~comprises~~ includes a category indication, and wherein the upload application verifies performing of the verification further includes determining ~~determines~~ whether the category indication is a valid category supported by the network-based transaction facility.
12. (Currently Amended) The method of claim 1, ~~wherein the upload application presents further comprising presenting~~ further comprising presenting an upload interface to receive user identification information.
13. (Currently Amended) The method of claim 1, ~~wherein the upload application presents further comprising presenting~~ further comprising presenting an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility.
14. (Previously Presented) The method of claim 1 wherein the transaction description describes an auction transaction.
15. (Previously Presented) The method of claim 14 wherein the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification.
16. (Currently Amended) The method of claim 1, ~~wherein the upload application automatically composes further comprising composing the data file as an e-mail message that includes the set of multiple transaction descriptions, the email message~~ to be communicated to an e-mail address associated with the network-based transaction facility.
17. (Currently Amended) The method of claim 16, wherein the ~~upload application propagates uploading of the set includes propagating~~ the e-mail message from the client computer to the network-based transaction facility via an e-mail transport protocol.

18. (Original) The method of claim 1 wherein the transaction description includes a category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface presents a list of categories for user-selection and incorporation into the transaction description as the category description.
19. (Original) The method of claim 18 wherein the input interface presents the list of categories as a drop-down menu.
20. (Currently Amended) The method of claim 1, further comprising ~~including~~ receiving, via the network ~~at the client computer~~ from the network-based transaction facility, a category data file specifying subject categories supported by the network-based transaction facility.
21. (Currently Amended) The method of claim 1, further comprising:
 ~~including~~ determining an installed version indication for ~~[[the]]~~ an upload application at ~~the client computer~~;
 performing a check to determine if a current version is more recent than the installed version of the upload application; and
 ; if ~~so~~ the current version is more recent, presenting ~~a user with the~~ an option of replacing the installed version of the upload application with the current version of the upload application.
22. (Currently Amended) The method of claim 1, further comprising ~~including~~ receiving at ~~the client computer~~ a confirmation message that the ~~data file~~ set of multiple transaction descriptions has been successfully received by the network-based transaction facility.
23. (Currently Amended) The method of claim 1, further comprising ~~including~~ receiving at ~~the client computer~~ an error message generated by the network-based transaction facility that the ~~data file~~ set of multiple transaction descriptions includes at least one error.

24. (Original) The method of claim 22 wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility.
25. (Currently Amended) The method of claim 24, wherein the presenting of the confirmation interface ~~comprises~~ includes presenting a location identifier to a remotely-generated interface.
26. (Currently Amended) The method of claim 25, wherein the remotely-generated interface ~~comprises~~ includes a markup language document.
27. (Currently Amended) The method of claim 24, wherein the confirmation interface facilitates editing of the transaction description as included in the ~~data file~~ set of multiple transaction descriptions received by the network-based transaction facility.
28. (Original) The method of claim 24 wherein the confirmation interface facilitates committing of a transaction described by the transaction description to an active state by the network-based transaction facility.
29. (Original) The method of claim 24 wherein the confirmation interface facilitates a preview of a transaction posting by the network-based transaction facility based on the transaction description.
30. (Currently Amended) A system ~~comprising to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the system including:~~
a communications application; and
an upload application to present an input interface and to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items~~[[.]]~~ ,
the upload application to perform a verification of each of the plurality of data items

within the transaction description as received via the input interface[[:]] to compose a data file including a plurality of transaction descriptions[[:]] and to propagate the data file ~~from the client computer~~ to a network-based transaction facility via a network utilizing the communications application.

31. (Currently Amended) The system of claim 40, wherein the upload application is further to present a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions.

32. (Original) The system of claim 31 wherein the upload application is to present navigation indicia to facilitate navigation between the plurality of input interfaces.

33. (Currently Amended) The system of claim 30 wherein the upload application is to receive the transaction description and to compose the data file prior to establishing a network session ~~between the client computer and~~ with the network-based transaction facility.

34. (Original) The system of claim 30 wherein the upload application is to determine whether an input template is designated for the transaction description and, if so, to receive at least one of the plurality of data items from the template into the transaction description.

35. (Original) The system of claim 30 wherein the upload application is to present a list window displaying a list of the plurality of transaction descriptions.

36. (Canceled)

37. (Previously Presented) The system of claim 30 wherein the upload application is to verify a format of a first data item of the transaction description as received via the input interface.

38. (Previously Presented) The system of claim 30 wherein the upload application is to verify legality of a first data item of the transaction description as receive via the input interface.

39. (Previously Presented) The system of claim 30 wherein the upload application is to verify contents of a first data item of the transaction description as received via the input interface.
40. (Original) The system of claim 39 wherein the contents of a first data item comprises a category indication, and the upload application is to determine whether the category indication is a valid category supported by the network-based transaction facility.
41. (Original) The system of claim 30 wherein the upload application is to present an upload interface to receive user identification information.
42. (Original) The system of claim 30 wherein the upload application is to present an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility.
43. (Previously Presented) The system of claim 30 wherein the transaction description describes an auction transaction.
44. (Previously Presented) The system of claim 43 wherein the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification.
45. (Original) The system of claim 30 wherein the upload application is to automatically compose the data file as an e-mail message to be communicated to an e-mail address associated with the network-based transaction facility.

46. (Currently Amended) The system of claim 45 wherein the upload application is to propagate the e-mail message ~~from the client computer~~ to the network-based transaction facility via an e-mail transport protocol.
47. (Original) The system of claim 30 wherein the transaction description includes a category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface is to present a list of categories for user-selection and incorporation into the transaction description as the category description.
48. (Original) The system of claim 47 wherein the input interface presents the list of categories as a drop-down menu.
49. (Original) The system of claim 30 wherein the upload application is to receive a category data file specifying subject categories supported by the network-based transaction facility.
50. (Currently Amended) The system of claim 30 wherein the upload ~~applications~~ application is to receive a confirmation message that the data file has been successfully received by the network-based transaction facility.
51. (Original) The system of claim 30 wherein the upload application is to receive an error message generated by the network-based transaction facility that the data file includes at least one error.
52. (Original) The system of claim 50 wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility.

53. (Currently Amended) A network-based transaction system comprising:

a user computer, coupled to a network, hosting an upload application to present an input interface to receive a plurality of transaction descriptions, each transaction description comprising a plurality of data items pertaining to a transaction facilitated by the network-based transaction facility and the input interface presenting a plurality of data fields to receive the plurality of data items; and

a transaction computer system, coupled to the network, hosting a transaction application to facilitate a transaction between a buyer and seller, the transaction application to receive a ~~[[date]]~~ data file from the ~~uploaded location~~ upload application via the network, wherein the upload application receives the plurality of transaction descriptions via the input interface, composes the data file to include the plurality of transaction descriptions, performs a verification of ~~[[each]]~~ ones of the plurality of data items within each of the plurality of transaction descriptions as received via the input interface, and communicates the data file to the transaction application via the network.

54. (Original) The network-based transaction system of claim 53 wherein the transaction application is to parse the data file to extract the plurality of transaction descriptions from there within.

55. (Original) The network-based transaction system of claim 53 wherein the upload application is to include a user identifier within the data file and the transaction application is to verify the user identifier as identifying a user registered to participate within the network-based transaction system.

56. (Currently Amended) The network-based transaction system of claim 53 wherein the transaction application is to verify ~~[[the]]~~ a format of at least one of the plurality of data items included in each of the plurality of transaction descriptions.

57. (Original) The network-based transaction system of claim 53 wherein the transaction application is to communicate an error message to the user computer via the network if a verification operation performed by the transaction application with respect to the data file fails.
58. (Original) The network-based transaction system of claim 53 wherein the transaction application is to assign a common identifier to each of the plurality of transaction descriptions included within the data file.
59. (Original) The network-based transaction system of claim 53 wherein the transaction application is to assign a unique identifier to each of the plurality of transaction descriptions included within the data file.
60. (Previously Presented) The network-based transaction system of claim 53 wherein the transaction application is to determine whether the plurality of transaction descriptions included with the data file exceeds a predetermined number of transaction descriptions.
61. (Original) The network-based transaction system of claim 60 wherein the transaction application, if the predetermined number of transaction descriptions is exceeded, is to communicate an error message to the user computer via the network.
62. (Original) The network-based transaction system of claim 53 wherein the transaction application is to communicate a confirmation message to the user computer via the network following a verification operation with respect to the plurality of transaction descriptions included within the data file.
63. (Original) The network-based transaction system of claim 62 wherein the confirmation message returns a confirmation interface listing a plurality of transactions to be facilitated by the network-based transaction system.

-
64. (Original) The network-based transaction system of claim 63 wherein the confirmation message includes a location identifier indicating a remote location from which the confirmation interface may be retrieved.
65. (Previously Presented) The network-based transaction system of claim 63 wherein the confirmation interface comprises a markup language document.
66. (Original) The network-based transaction system of claim 62 wherein the transaction application is to assign the plurality of transaction descriptions to a wait condition pending confirmation of the plurality of transaction descriptions by a user responsive to the confirmation message.
67. (Original) The network-based transaction system of claim 66 wherein the transaction application initiates a plurality of transaction processes responsive to the confirmation of the plurality of transaction descriptions by the user.
68. (Original) The network-based transaction system of claim 53 wherein each of the plurality of transaction descriptions describes an auction transaction and the transaction application is to facilitate a plurality of network-based auction processes of respective subject matters described in each of the transaction descriptions.
69. (Previously Presented) A machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to:
- present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items;
 - automatically perform a verification of each of the plurality of data items within the transaction description as received via the input interface;
 - automatically compose a data file including a plurality of transaction descriptions; and

propagate the data file from the client computer to the network-based transaction facility via a network.

70. (Currently Amended) A system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the system including:

communications means for communicating a data file; and

collection means for presenting an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; for performing a verification of each of the plurality of data items within each of the plurality of transaction descriptions as received via the input interface; for composing a data file including a plurality of transaction descriptions; and for propagating the data file ~~from the client computer~~ to the network-based transaction facility via a network utilizing the communications means.

REMARKS

This responds to the Office Action mailed on April 5, 2005, and the references cited therewith.

Claims 1-4, 6, 8-13, 16, 17, 20-23, 25-27, 30, 31, 33, 46, 50, 53, 56, and 70 are amended, no claims are canceled, and no claims are added; as a result, claims 1-6, 8-35, and 37-70 are now pending in this application.

Claim Objections

Claim 9 was objected to as containing an improper verb tense. Applicants have amended claim 9.

§102 Rejection of the Claims

Claims 1-5, 12, 30, 33-34, 41, 53 and 69-70 were rejected under 35 U.S.C. § 102(e) for anticipation by Klingman (U.S. 5,799,285; hereinafter referred to as Klingman). Applicant respectfully submits that Klingman does not anticipate the claimed invention, as set forth in claims 1-5, 12, 30, 33-34, 41, 53 and 69-70.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Applicant respectfully submits that the Office Action does not establish a *prima facie* case of anticipation because the reference does not teach each and every element of the rejected claims.

Discussion of Claim 1

In rejecting claim 1, the Office Action asserts that Klingman teaches each and every feature of claim 1. Claim 1 recites “generating a set of **multiple transaction descriptions**, wherein each of the transaction descriptions describes a transaction listing...and ...**uploading the set** to a network-based transaction facility via a network.” (Emphasis added.) However, Applicants cannot find a passage in Klingman that teaches or suggests the claimed “generating a set of multiple transaction descriptions.” In contrast, Klingman teaches a seller system uploading a *single* product description. Klingman states, “the seller subsystem 10 uploads registration data or information upon completion of the distributor’s registration form through path 28 to the distributor’s subsystem 20.” Klingman Column 7, Lines 9-12. Klingman’s registration form includes a “Seller’s Product Description.” See Klingman at Column 7, Line 41. Numerous times Klingman mentions uploading a registration form including information about a *product*, but Klingman does not teach the claimed generating and uploading “a set of multiple transaction descriptions.” For at least these reasons, Applicants submit that Klingman does not teach or suggest each and every element of claim 1.

Discussion of Claims 30, 53, 69, and 70

Claim 30 recites “to compose a data file including a **plurality of transaction descriptions**, and to propagate the data file to a network-based transaction facility via a network.” (Emphasis added.)

Claim 53 recites “composes the data file to include the **plurality of transaction descriptions**... and communicates the data file to the transaction application via the network.” (Emphasis added.)

Claim 69 recites “compose a data file including a **plurality of transaction descriptions**; and propagate the data file from the client computer to the network-based transaction facility.” (Emphasis added.)

Claim 70 recites “for composing a data file including a **plurality of transaction descriptions**; and for propagating the data file to the network-based transaction facility via a network.” (Emphasis added.)

As noted above, Klingman describes uploading information about a product. However, Klingman does not teach or suggest the claimed "data file including a plurality of transaction descriptions," much less the claimed "propagating the data file to a network-based transaction facility." For at least these reasons, Applicants submit that Klingman does not teach or suggest each and every element of claims 30, 53, 69, and 70.

Discussion of Claims 2-5, 12, 33, 34, and 41

Claims 2-5, 12, 33, 34, and 41 each depend, directly or indirectly, on one of claims 1 or 30. For at least the reasons noted above, Applicants submit that Keller does not teach or suggest each and every element of claims 2-5, 12, 33, 34, and 41.

§103 Rejection of the Claims

Claims 6, 8-11, 13-15, 18-20, 31-32, 35, 37-40, 43-44, 47-49, 56 and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingman in view of Carlton-Foss (U.S. 6,647,373). Applicant respectfully traverses this rejection and submits that Klingman and Carlton-Foss do not render the rejected claims obvious.

The Examiner has the burden under 35 U.S.C. §103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Applicant respectfully submits that the Office Action does not establish a *prima facie* case of anticipation because the reference does not teach each and every element of the rejected claims.

Claims 6, 8-11, 13-15, 18-20, 31-32, 35, 37-40, 43-44, 47-49, 56 and 68 each depend, directly or indirectly, on one of claims 1, 30, or 53. As noted above, Klingman does not teach or suggest each and every element of claims 1, 30, or 53. For the combination of Klingman and Carlton-Foss to teach or suggest each and every element of claims 6, 8-11, 13-15, 18-20, 31-32, 35, 37-40, 43-44, 47-49, 56 and 68, Carlton-Foss must teach or suggest what Klingman is lacking. However, Applicants submit that Carlton-Foss does not provide what Klingman is lacking, as Carlton-Foss does not teach or suggest the claimed "set of multiple transaction descriptions" or the claimed "data file including a plurality of transaction descriptions." For at least these reasons, Applicants submit that the combination of Klingman and Carlton-Foss does not teach or suggest each and every element of claims 6, 8-11, 13-15, 18-20, 31-32, 35, 37-40, 43-44, 47-49, 56 and 68.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingman and DeBenedictis et al. (U.S. 6,144,984).

Claim 21 depends on claim 1. As noted above, Klingman does not teach or suggest each and every element of claim 1. For the combination of Klingman and DeBenedictis to teach or suggest each and every element of claim 21, DeBenedictis must teach or suggest what Klingman is lacking. Applicants submit that DeBenedictis does not teach or suggest the claimed "set of multiple transaction descriptions." For at least this reason, Applicants submit that the combination of Klingman and DeBenedictis does not teach or suggest each and every element of claim 21.

Claims 16-17 and 45-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingman and May (U.S. 6,317,727).

Claims 16-17 and 45-46 each depend, directly or indirectly on claim 1 or claim 30. As noted above, Klingman does not teach or suggest each and every element of claims 1 and 30. For the combination of Klingman and May to teach or suggest each and every element of claim

21, May must teach or suggest what Klingman is lacking. Applicants submit that May does not teach or suggest the claimed "set of multiple transaction descriptions" or the claimed "data file including a plurality of transaction descriptions." For at least these reasons, Applicants submit that the combination of Klingman and May does not teach or suggest each and every element of claims 16-17 and 45-46.

Claims 60-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingman and Schneider et al. ("An Introduction to Programming and Problem Solving with Pascal," 1982).

Claims 60 and 61 each depend, directly or indirectly on claim 53. As noted above, Klingman does not teach or suggest each and every element of claim 53. For the combination of Klingman and Schneider to teach or suggest each and every element of claim 21, Schneider must teach or suggest what Klingman is lacking. Applicants submit that Schneider does not teach or suggest the claimed "set of multiple transaction descriptions" or the claimed "data file including a plurality of transaction descriptions." For at least these reasons, Applicants submit that the combination of Klingman and Schneider does not teach or suggest each and every element of claims 16-17 and 45-46.

Reservation of Rights

Applicants do not admit that documents cited under 35 U.S.C. §§ 102(a), 102(e), 103/102(a), or 103/102(e) are prior art, and reserves the right to swear behind them at a later date. Arguments presented to distinguish such documents should not be construed as admissions that the documents are prior art. Applicants also reserve the right to pursue canceled and originally filed claims in a continuation application. Furthermore, Applicants do not acquiesce to any of the Examiner's assertions about the claims or the cited documents and reserves the right to argue these assertions in the future.

CONCLUSION

Based on the foregoing, Applicant respectfully requests that the rejections be withdrawn. Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 281-213-8980 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOSHUA D. KNEPFLE, ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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Minneapolis, MN 55402
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Date 8/4/2005

By

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Reg. No. 52,806

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of August, 2005.

Peter DeBotton

Name

Peter DeBotton
Signature

EXPEDITED PROCEDURE – EXAMINING GROUP 2145

S/N 09/602,110

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Joshua D Knepfle et al.	Examiner:	Jeffrey R Swearingen
Serial No.:	09/602,110	Group Art Unit:	2145
Filed:	June 21, 2000	Docket No.:	2043.020US1
Title:	METHOD AND SYSTEM FOR DEFINING AND UPLOADING MULTIPLE TRANSACTION DESCRIPTIONS FROM A CLIENT TO A NETWORK- BASED TRANSACTION FACILITY		

AMENDMENT & RESPONSE UNDER 37 C.F.R. 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action mailed March 8, 2006, please amend the application as follows:

IN THE CLAIMS

Please amend the claims as follows.

1. (Previously Presented) A computer-implemented method comprising:
generating a set of multiple transaction descriptions, wherein each of the transaction descriptions describes a transaction listing, the generating including,
presenting an input interface to receive a transaction description, wherein the transaction description includes a plurality of data items, and wherein the input interface includes a plurality of input fields to receive the plurality of data items; and
performing a verification of the transaction description as received via the input interface; and
uploading the set to a network-based transaction facility via a network.
2. (Previously Presented) The method of claim 1, the generating of the set further including presenting a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions.
3. (Previously Presented) The method of claim 2, the generating further including presenting navigation indicia to facilitate navigation between the plurality of input interfaces.
4. (Previously Presented) The method of claim 2, wherein the receiving of the transaction descriptions is performed prior to establishing a network session with the network-based transaction facility.
5. (Original) The method of claim 1 wherein the receiving of the transaction description includes determining whether an input template is designated for the transaction description and, if so, receiving at least one of the plurality of data items from the template into the transaction description.

6. (Previously Presented) The method of claim 1, further comprising presenting a list window displaying the set of multiple transaction descriptions.
7. (Canceled)
8. (Previously Presented) The method of claim 1, wherein the performing of the verification includes verifying a format of a first data item of the transaction description as received via the input interface.
9. (Previously Presented) The method of claim 1, wherein performing of the verification includes verifying legality of a first data item of the transaction description as received via the input interface.
10. (Previously Presented) The method of claim 1, wherein performing of the verification includes verifying contents of a first data item of the transaction description as received via the input interface.
11. (Previously Presented) The method of claim 10, wherein the contents of a first data item includes a category indication, and wherein the performing of the verification further includes determining whether the category indication is a valid category supported by the network-based transaction facility.
12. (Previously Presented) The method of claim 1, further comprising presenting an upload interface to receive user identification information.
13. (Previously Presented) The method of claim 1, further comprising presenting an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility.

14. (Previously Presented) The method of claim 1 wherein the transaction description describes an auction transaction.
15. (Previously Presented) The method of claim 14 wherein the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification.
16. (Previously Presented) The method of claim 1, further comprising composing an e-mail message that includes the set of multiple transaction descriptions, the email message to be communicated to an e-mail address associated with the network-based transaction facility.
17. (Previously Presented) The method of claim 16, wherein the uploading of the set includes propagating the e-mail message to the network-based transaction facility via an e-mail transport protocol.
18. (Original) The method of claim 1 wherein the transaction description includes a category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface presents a list of categories for user-selection and incorporation into the transaction description as the category description.
19. (Original) The method of claim 18 wherein the input interface presents the list of categories as a drop-down menu.
20. (Previously Presented) The method of claim 1, further comprising receiving, via the network from the network-based transaction facility, a category data file specifying subject categories supported by the network-based transaction facility.

21. (Previously Presented) The method of claim 1, further comprising:
determining an installed version indication for an upload application ;
performing a check to determine if a current version is more recent than the installed version of the upload application; and
if the current version is more recent, presenting an option of replacing the installed version of the upload application with the current version of the upload application.
22. (Previously Presented) The method of claim 1, further comprising receiving a confirmation message that the set of multiple transaction descriptions has been successfully received by the network-based transaction facility.
23. (Previously Presented) The method of claim 1, further comprising receiving an error message generated by the network-based transaction facility that the set of multiple transaction descriptions includes at least one error.
24. (Original) The method of claim 22 wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility.
25. (Previously Presented) The method of claim 24, wherein the presenting of the confirmation interface includes presenting a location identifier to a remotely-generated interface.
26. (Previously Presented) The method of claim 25, wherein the remotely-generated interface includes a markup language document.
27. (Previously Presented) The method of claim 24, wherein the confirmation interface facilitates editing of the transaction description as included in the set of multiple transaction descriptions received by the network-based transaction facility.

28. (Original) The method of claim 24 wherein the confirmation interface facilitates committing of a transaction described by the transaction description to an active state by the network-based transaction facility.
29. (Original) The method of claim 24 wherein the confirmation interface facilitates a preview of a transaction posting by the network-based transaction facility based on the transaction description.
30. (Previously Presented) A system comprising:
a communications application; and
an upload application to present an input interface and to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items, the upload application to perform a verification of each of the plurality of data items within the transaction description as received via the input interface, to compose a data file including a plurality of transaction descriptions, and to propagate the data file to a network-based transaction facility via a network utilizing the communications application.
31. (Currently Amended) The system of claim 30 ~~[[40]]~~, wherein the upload application is further to present a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions.
32. (Original) The system of claim 31 wherein the upload application is to present navigation indicia to facilitate navigation between the plurality of input interfaces.
33. (Previously Presented) The system of claim 30 wherein the upload application is to receive the transaction description and to compose the data file prior to establishing a network session with the network-based transaction facility.

34. (Original) The system of claim 30 wherein the upload application is to determine whether an input template is designated for the transaction description and, if so, to receive at least one of the plurality of data items from the template into the transaction description.
35. (Original) The system of claim 30 wherein the upload application is to present a list window displaying a list of the plurality of transaction descriptions.
36. (Canceled)
37. (Previously Presented) The system of claim 30 wherein the upload application is to verify a format of a first data item of the transaction description as received via the input interface.
38. (Previously Presented) The system of claim 30 wherein the upload application is to verify legality of a first data item of the transaction description as receive via the input interface.
39. (Previously Presented) The system of claim 30 wherein the upload application is to verify contents of a first data item of the transaction description as received via the input interface.
40. (Original) The system of claim 39 wherein the contents of a first data item comprises a category indication, and the upload application is to determine whether the category indication is a valid category supported by the network-based transaction facility.
41. (Original) The system of claim 30 wherein the upload application is to present an upload interface to receive user identification information.

42. (Original) The system of claim 30 wherein the upload application is to present an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility.

43. (Previously Presented) The system of claim 30 wherein the transaction description describes an auction transaction.

44. (Previously Presented) The system of claim 43 wherein the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification.

45. (Original) The system of claim 30 wherein the upload application is to automatically compose the data file as an e-mail message to be communicated to an e-mail address associated with the network-based transaction facility.

46. (Previously Presented) The system of claim 45 wherein the upload application is to propagate the e-mail message to the network-based transaction facility via an e-mail transport protocol.

47. (Original) The system of claim 30 wherein the transaction description includes a category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface is to present a list of categories for user-selection and incorporation into the transaction description as the category description.

48. (Original) The system of claim 47 wherein the input interface presents the list of categories as a drop-down menu.

49. (Original) The system of claim 30 wherein the upload application is to receive a category data file specifying subject categories supported by the network-based transaction facility.

50. (Previously Presented) The system of claim 30 wherein the upload application is to receive a confirmation message that the data file has been successfully received by the network-based transaction facility.

51. (Original) The system of claim 30 wherein the upload application is to receive an error message generated by the network-based transaction facility that the data file includes at least one error.

52. (Original) The system of claim 50 wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility.

53. (Previously Presented) A network-based transaction system comprising:
a user computer, coupled to a network, hosting an upload application to present an input interface to receive a plurality of transaction descriptions, each transaction description comprising a plurality of data items pertaining to a transaction facilitated by the network-based transaction facility and the input interface presenting a plurality of data fields to receive the plurality of data items; and

a transaction computer system, coupled to the network, hosting a transaction application to facilitate a transaction between a buyer and seller, the transaction application to receive a data file from the upload application via the network, wherein the upload application receives the plurality of transaction descriptions via the input interface, composes the data file to include the plurality of transaction descriptions, performs a verification of ones of the plurality of data items within each of the plurality of transaction descriptions as received via the input interface, and communicates the data file to the transaction application via the network.

54. (Original) The network-based transaction system of claim 53 wherein the transaction application is to parse the data file to extract the plurality of transaction descriptions from there within.

55. (Original) The network-based transaction system of claim 53 wherein the upload application is to include a user identifier within the data file and the transaction application is to verify the user identifier as identifying a user registered to participate within the network-based transaction system.

56. (Previously Presented) The network-based transaction system of claim 53 wherein the transaction application is to verify a format of at least one of the plurality of data items included in each of the plurality of transaction descriptions.

57. (Original) The network-based transaction system of claim 53 wherein the transaction application is to communicate an error message to the user computer via the network if a verification operation performed by the transaction application with respect to the data file fails.

58. (Original) The network-based transaction system of claim 53 wherein the transaction application is to assign a common identifier to each of the plurality of transaction descriptions included within the data file.

59. (Original) The network-based transaction system of claim 53 wherein the transaction application is to assign a unique identifier to each of the plurality of transaction descriptions included within the data file.

60. (Previously Presented) The network-based transaction system of claim 53 wherein the transaction application is to determine whether the plurality of transaction descriptions included with the data file exceeds a predetermined number of transaction descriptions.

61. (Original) The network-based transaction system of claim 60 wherein the transaction application, if the predetermined number of transaction descriptions is exceeded, is to communicate an error message to the user computer via the network.
62. (Original) The network-based transaction system of claim 53 wherein the transaction application is to communicate a confirmation message to the user computer via the network following a verification operation with respect to the plurality of transaction descriptions included within the data file.
63. (Original) The network-based transaction system of claim 62 wherein the confirmation message returns a confirmation interface listing a plurality of transactions to be facilitated by the network-based transaction system.
64. (Original) The network-based transaction system of claim 63 wherein the confirmation message includes a location identifier indicating a remote location from which the confirmation interface may be retrieved.
65. (Previously Presented) The network-based transaction system of claim 63 wherein the confirmation interface comprises a markup language document.
66. (Original) The network-based transaction system of claim 62 wherein the transaction application is to assign the plurality of transaction descriptions to a wait condition pending confirmation of the plurality of transaction descriptions by a user responsive to the confirmation message.
67. (Original) The network-based transaction system of claim 66 wherein the transaction application initiates a plurality of transaction processes responsive to the confirmation of the plurality of transaction descriptions by the user.

68. (Original) The network-based transaction system of claim 53 wherein each of the plurality of transaction descriptions describes an auction transaction and the transaction application is to facilitate a plurality of network-based auction processes of respective subject matters described in each of the transaction descriptions.

69. (Previously Presented) A machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to:

present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items;

automatically perform a verification of each of the plurality of data items within the transaction description as received via the input interface;

automatically compose a data file including a plurality of transaction descriptions; and propagate the data file from the client computer to the network-based transaction facility via a network.

70. (Previously Presented) A system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the system including:

communications means for communicating a data file; and collection means for presenting an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; for performing a verification of each of the plurality of data items within each of the plurality of transaction descriptions as received via the input interface; for composing a data file including a plurality of transaction descriptions; and for propagating the data file to the network-based transaction facility via a network utilizing the communications means.

REMARKS

This responds to the Office Action mailed on March 8, 2006.

Claim 31 is amended, no claims are canceled, and no claims are added; as a result, claims 1-6, 8-35, and 37-70 are now pending in this application.

Claim Objections

Claim 31 was objected to as being dependent upon claim 30 and not claim 40.

Applicants have amended claim 31.

§102 Rejection of the Claims

Claims 1-6, 8-13, 16-17, 22-35, 37-42, 45-46, 50-59, 62-67 and 69-70 were rejected under 35 U.S.C. § 102(e) as being anticipated by Conklin et al. (U.S. 6,336,105). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Applicants respectfully submit that the Office Action does not establish a *prima facie* case of anticipation vis-à-vis claims 1-6, 8-13, 16-17, 22-35, 37-42, 45-46, 50-59, 62-67 and 69-70 because the Conklin does not teach each and every element of the rejected claims. The following sections discuss the claims.

Discussion of Claim 1

Claim 1 recites, “generating a set of multiple transaction descriptions... and uploading the set to a network-based transaction facility via a network.” The Office Action asserts that Conklin’s catalog submissions and the passages in columns 20, 27, and 28 anticipate these

features of claim 1.¹ The cited passages state, “sellers with a small inventory of goods can simply create a product catalog online using the web authoring feature of [Conklin’s] invention.”² (Insertion added.) However, if the product catalog is created online, Conklin does not teach claim 1’s “uploading” feature.

The cited passages also teach that a “seller’s processing and administrative steps 214-04 include such tasks as uploading product catalogs”³ and that “sellers with existing digital versions of their product catalogs or inventory tracking systems are able to integrate them with [Conklin’s] invention.”⁴ (Insertion added.) However, Conklin does not teach generating product catalogs, much less claim 1’s “generating a set of multiple transaction descriptions,” as recited in claim 1.

Furthermore, Conklin does not teach or suggest that the generating includes “presenting an input interface to receive a transaction description, wherein the transaction description includes a plurality of data items, and wherein the input interface includes a plurality of input fields to receive the plurality of data items,” as recited in claim 1. Because Conklin does not teach claim 1’s “presenting an input interface,” Conklin is also lacking claim 1’s “performing a verification of the transaction description as received via the input interface.”

As noted above, for Conklin to anticipate claim 1, Conklin must disclose each and every claim element, as arranged in the claim. Because Conklin fails to teach several elements of claim 1, Applicants submit that Conklin does not anticipate claim 1.

Discussion of Claims 30, 53, 69, and 70

Claims 30, 53, 69, and 70 each include features similar to those noted in the discussion of claim 1. For at least the reasons noted above, Applicants submit that Conklin does not teach or suggest each and every element of claims 30, 53, 69, and 70.

Discussion of Claims 2-6, 8-13, 16-17, 22-29, 31-35, 37-42, 45-46, 50-52, 54-59, and 62-67

¹ See Office Action Page 2, Number 5.

² Conklin Column 27, Lines 58-60.

³ Conklin Column 20, Lines 5-7.

⁴ Conklin Column 27, Lines 61-67.

Claims 2-6, 8-13, 16-17, 22-29, 31-35, 37-42, 45-46, 50-52, 54-59, and 62-67 each depend, directly or indirectly, on one of claims 1, 30, 53, 69, or 70. For at least the reasons noted above, Applicants submit that Conklin does not teach or suggest each and every element of claims 2-6, 8-13, 16-17, 22-29, 31-35, 37-42, 45-46, 50-52, 54-59, and 62-67.

§103 Rejection of the Claims

Claims 14-15, 43-44 and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Conklin et al. in view of Godin et al. (U.S. 5,890,138).

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Discussion of Claims 14, 15, 43-44, and 68

Claims 14, 15, 43-44, and 68 each depend, directly or indirectly, on one of claims 1, 30, or 53. As noted in the discussions above, Conklin does not teach or suggest each and every element of claims 1, 30, or 53. For the combination of Conklin and Godin to teach or suggest each and every element of claims 14, 15, 43-44, and 68, Godin must teach or suggest what Conklin is lacking. Applicants submit that Godin does not teach or suggest the features noted in

the discussions above. As such, Applicants submit that the combination of Conklin and Godin does not teach or suggest each and every element of claims 14, 15, 43-44, or 68.

Claims 18-21, 47-49 and 60-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Conklin et al.

Claims 18-21, 47-49 and 60-61 each depend, directly or indirectly, on one of claims 1, 30, or 53. As noted in the discussions above, Conklin does not teach or suggest each and every element of claims 1, 30, or 53. The Office Action does not provide any other references to teach or suggest the features not taught by Conklin. As such, Applicants submit that Conklin does not teach or suggest each and every element of claims 18-21, 47-49 or 60-61.

Reservation of Rights

Applicants do not admit that documents cited under 35 U.S.C. §§ 102(a), 102(e), 103/102(a), or 103/102(e) are prior art, and reserves the right to swear behind them at a later date. Arguments presented to distinguish such documents should not be construed as admissions that the documents are prior art. Applicants also reserve the right to pursue canceled and originally filed claims in a continuation application. Furthermore, Applicants do not acquiesce to any of the Examiner's assertions about the claims or the cited documents and reserves the right to argue these assertions in the future.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 - EXPEDITED PROCEDURE

Serial Number: 09/602,110

Page 17
Dkt: 2043.020US1

Filing Date: June 21, 2000

Title: METHOD AND SYSTEM FOR DEFINING AND UPLOADING MULTIPLE TRANSACTION DESCRIPTIONS FROM A CLIENT TO A NETWORK-BASED TRANSACTION FACILITY

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 281-213-8980 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

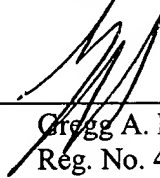
JOSHUA D KNEPFLE ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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281-213-8980

Date 5-8-06

By



Gregg A. Peacock
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of May, 2006.

Peter Rebuffoni
Name

Peter Rebuffoni
Signature

EXPEDITED PROCEDURE – EXAMINING GROUP 2145

S/N 09/602,110

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Joshua D Knepfle et al.	Examiner:	Jeffrey R Swearingen
Serial No.:	09/602,110	Group Art Unit:	2145
Filed:	June 21, 2000	Docket No.:	2043.020US1
Title:	METHOD AND SYSTEM FOR DEFINING AND UPLOADING MULTIPLE TRANSACTION DESCRIPTIONS FROM A CLIENT TO A NETWORK- BASED TRANSACTION FACILITY		

AMENDMENT & RESPONSE UNDER 37 C.F.R. 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action mailed November 21, 2005, please amend the application as follows:

IN THE CLAIMS

Please amend the claims as follows.

1. (Previously Presented) A computer-implemented method comprising:
generating a set of multiple transaction descriptions, wherein each of the transaction descriptions describes a transaction listing, the generating including,
presenting an input interface to receive a transaction description, wherein the transaction description includes a plurality of data items, and wherein the input interface includes a plurality of input fields to receive the plurality of data items; and
performing a verification of the transaction description as received via the input interface; and
uploading the set to a network-based transaction facility via a network.
2. (Previously Presented) The method of claim 1, the generating of the set further including presenting a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions.
3. (Previously Presented) The method of claim 2, the generating further including presenting navigation indicia to facilitate navigation between the plurality of input interfaces.
4. (Previously Presented) The method of claim 2, wherein the receiving of the transaction descriptions is performed prior to establishing a network session with the network-based transaction facility.
5. (Original) The method of claim 1 wherein the receiving of the transaction description includes determining whether an input template is designated for the transaction description and, if so, receiving at least one of the plurality of data items from the template into the transaction description.

6. (Previously Presented) The method of claim 1, further comprising presenting a list window displaying the set of multiple transaction descriptions.
7. (Canceled)
8. (Previously Presented) The method of claim 1, wherein the performing of the verification includes verifying a format of a first data item of the transaction description as received via the input interface.
9. (Previously Presented) The method of claim 1, wherein performing of the verification includes verifying legality of a first data item of the transaction description as received via the input interface.
10. (Previously Presented) The method of claim 1, wherein performing of the verification includes verifying contents of a first data item of the transaction description as received via the input interface.
11. (Previously Presented) The method of claim 10, wherein the contents of a first data item includes a category indication, and wherein the performing of the verification further includes determining whether the category indication is a valid category supported by the network-based transaction facility.
12. (Previously Presented) The method of claim 1, further comprising presenting an upload interface to receive user identification information.
13. (Previously Presented) The method of claim 1, further comprising presenting an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility.

14. (Previously Presented) The method of claim 1 wherein the transaction description describes an auction transaction.
15. (Previously Presented) The method of claim 14 wherein the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification.
16. (Previously Presented) The method of claim 1, further comprising composing an e-mail message that includes the set of multiple transaction descriptions, the email message to be communicated to an e-mail address associated with the network-based transaction facility.
17. (Previously Presented) The method of claim 16, wherein the uploading of the set includes propagating the e-mail message to the network-based transaction facility via an e-mail transport protocol.
18. (Original) The method of claim 1 wherein the transaction description includes a category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface presents a list of categories for user-selection and incorporation into the transaction description as the category description.
19. (Original) The method of claim 18 wherein the input interface presents the list of categories as a drop-down menu.
20. (Previously Presented) The method of claim 1, further comprising receiving, via the network from the network-based transaction facility, a category data file specifying subject categories supported by the network-based transaction facility.

21. (Previously Presented) The method of claim 1, further comprising:
determining an installed version indication for an upload application ;
performing a check to determine if a current version is more recent than the installed version of the upload application; and
if the current version is more recent, presenting an option of replacing the installed version of the upload application with the current version of the upload application.
22. (Previously Presented) The method of claim 1, further comprising receiving a confirmation message that the set of multiple transaction descriptions has been successfully received by the network-based transaction facility.
23. (Previously Presented) The method of claim 1, further comprising receiving an error message generated by the network-based transaction facility that the set of multiple transaction descriptions includes at least one error.
24. (Original) The method of claim 22 wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility.
25. (Previously Presented) The method of claim 24, wherein the presenting of the confirmation interface includes presenting a location identifier to a remotely-generated interface.
26. (Previously Presented) The method of claim 25, wherein the remotely-generated interface includes a markup language document.
27. (Previously Presented) The method of claim 24, wherein the confirmation interface facilitates editing of the transaction description as included in the set of multiple transaction descriptions received by the network-based transaction facility.

28. (Original) The method of claim 24 wherein the confirmation interface facilitates committing of a transaction described by the transaction description to an active state by the network-based transaction facility.
29. (Original) The method of claim 24 wherein the confirmation interface facilitates a preview of a transaction posting by the network-based transaction facility based on the transaction description.
30. (Previously Presented) A system comprising:
a communications application; and
an upload application to present an input interface and to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items, the upload application to perform a verification of each of the plurality of data items within the transaction description as received via the input interface, to compose a data file including a plurality of transaction descriptions, and to propagate the data file to a network-based transaction facility via a network utilizing the communications application.
31. (Previously Presented) The system of claim 40, wherein the upload application is further to present a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions.
32. (Original) The system of claim 31 wherein the upload application is to present navigation indicia to facilitate navigation between the plurality of input interfaces.
33. (Previously Presented) The system of claim 30 wherein the upload application is to receive the transaction description and to compose the data file prior to establishing a network session with the network-based transaction facility.

34. (Original) The system of claim 30 wherein the upload application is to determine whether an input template is designated for the transaction description and, if so, to receive at least one of the plurality of data items from the template into the transaction description.
35. (Original) The system of claim 30 wherein the upload application is to present a list window displaying a list of the plurality of transaction descriptions.
36. (Canceled)
37. (Previously Presented) The system of claim 30 wherein the upload application is to verify a format of a first data item of the transaction description as received via the input interface.
38. (Previously Presented) The system of claim 30 wherein the upload application is to verify legality of a first data item of the transaction description as receive via the input interface.
39. (Previously Presented) The system of claim 30 wherein the upload application is to verify contents of a first data item of the transaction description as received via the input interface.
40. (Original) The system of claim 39 wherein the contents of a first data item comprises a category indication, and the upload application is to determine whether the category indication is a valid category supported by the network-based transaction facility.
41. (Original) The system of claim 30 wherein the upload application is to present an upload interface to receive user identification information.

42. (Original) The system of claim 30 wherein the upload application is to present an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility.

43. (Previously Presented) The system of claim 30 wherein the transaction description describes an auction transaction.

44. (Previously Presented) The system of claim 43 wherein the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification.

45. (Original) The system of claim 30 wherein the upload application is to automatically compose the data file as an e-mail message to be communicated to an e-mail address associated with the network-based transaction facility.

46. (Previously Presented) The system of claim 45 wherein the upload application is to propagate the e-mail message to the network-based transaction facility via an e-mail transport protocol.

47. (Original) The system of claim 30 wherein the transaction description includes a category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface is to present a list of categories for user-selection and incorporation into the transaction description as the category description.

48. (Original) The system of claim 47 wherein the input interface presents the list of categories as a drop-down menu.

49. (Original) The system of claim 30 wherein the upload application is to receive a category data file specifying subject categories supported by the network-based transaction facility.

50. (Previously Presented) The system of claim 30 wherein the upload application is to receive a confirmation message that the data file has been successfully received by the network-based transaction facility.

51. (Original) The system of claim 30 wherein the upload application is to receive an error message generated by the network-based transaction facility that the data file includes at least one error.

52. (Original) The system of claim 50 wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility.

53. (Previously Presented) A network-based transaction system comprising:
a user computer, coupled to a network, hosting an upload application to present an input interface to receive a plurality of transaction descriptions, each transaction description comprising a plurality of data items pertaining to a transaction facilitated by the network-based transaction facility and the input interface presenting a plurality of data fields to receive the plurality of data items; and

a transaction computer system, coupled to the network, hosting a transaction application to facilitate a transaction between a buyer and seller, the transaction application to receive a data file from the upload application via the network, wherein the upload application receives the plurality of transaction descriptions via the input interface, composes the data file to include the plurality of transaction descriptions, performs a verification of ones of the plurality of data items within each of the plurality of transaction descriptions as received via the input interface, and communicates the data file to the transaction application via the network.

54. (Original) The network-based transaction system of claim 53 wherein the transaction application is to parse the data file to extract the plurality of transaction descriptions from there within.

55. (Original) The network-based transaction system of claim 53 wherein the upload application is to include a user identifier within the data file and the transaction application is to verify the user identifier as identifying a user registered to participate within the network-based transaction system.

56. (Previously Presented) The network-based transaction system of claim 53 wherein the transaction application is to verify a format of at least one of the plurality of data items included in each of the plurality of transaction descriptions.

57. (Original) The network-based transaction system of claim 53 wherein the transaction application is to communicate an error message to the user computer via the network if a verification operation performed by the transaction application with respect to the data file fails.

58. (Original) The network-based transaction system of claim 53 wherein the transaction application is to assign a common identifier to each of the plurality of transaction descriptions included within the data file.

59. (Original) The network-based transaction system of claim 53 wherein the transaction application is to assign a unique identifier to each of the plurality of transaction descriptions included within the data file.

60. (Previously Presented) The network-based transaction system of claim 53 wherein the transaction application is to determine whether the plurality of transaction descriptions included with the data file exceeds a predetermined number of transaction descriptions.

61. (Original) The network-based transaction system of claim 60 wherein the transaction application, if the predetermined number of transaction descriptions is exceeded, is to communicate an error message to the user computer via the network.
62. (Original) The network-based transaction system of claim 53 wherein the transaction application is to communicate a confirmation message to the user computer via the network following a verification operation with respect to the plurality of transaction descriptions included within the data file.
63. (Original) The network-based transaction system of claim 62 wherein the confirmation message returns a confirmation interface listing a plurality of transactions to be facilitated by the network-based transaction system.
64. (Original) The network-based transaction system of claim 63 wherein the confirmation message includes a location identifier indicating a remote location from which the confirmation interface may be retrieved.
65. (Previously Presented) The network-based transaction system of claim 63 wherein the confirmation interface comprises a markup language document.
66. (Original) The network-based transaction system of claim 62 wherein the transaction application is to assign the plurality of transaction descriptions to a wait condition pending confirmation of the plurality of transaction descriptions by a user responsive to the confirmation message.
67. (Original) The network-based transaction system of claim 66 wherein the transaction application initiates a plurality of transaction processes responsive to the confirmation of the plurality of transaction descriptions by the user.

68. (Original) The network-based transaction system of claim 53 wherein each of the plurality of transaction descriptions describes an auction transaction and the transaction application is to facilitate a plurality of network-based auction processes of respective subject matters described in each of the transaction descriptions.

69. (Previously Presented) A machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to:

present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items;

automatically perform a verification of each of the plurality of data items within the transaction description as received via the input interface;

automatically compose a data file including a plurality of transaction descriptions; and propagate the data file from the client computer to the network-based transaction facility via a network.

70. (Previously Presented) A system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the system including:

communications means for communicating a data file; and

collection means for presenting an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; for performing a verification of each of the plurality of data items within each of the plurality of transaction descriptions as received via the input interface; for composing a data file including a plurality of transaction descriptions; and for propagating the data file to the network-based transaction facility via a network utilizing the communications means.

REMARKS

This responds to the Office Action mailed on November 21, 2005.

No Claims are amended, no claims are added, and claims 7 and 36 are cancelled. As a result, claims 1-6, 8-35, and 37-70 are now pending in this application.

§103 Rejection of the Claims

Claims 1-5, 12, 30, 33-34, 41, 53 and 69-70 were rejected under 35 U.S.C. § 103(a) over Klingman (U.S. 5,799,285) in view of Kawamura et al. (JP-2000-322490A; hereinafter referred to as Kawamura). In discussing claims 1, 30, 53, 69, and 70, the Office Action admits, “Klingman failed to expressly disclose the uploading of multiple transactions at a time.”¹ The Office Action looks to Kawamura to provide what Klingman is lacking.

Applicants submit that Kawamura is not prior art to the Instant Application. Before a reference can be used in a rejection under 35 U.S.C. § 103, “it must be known whether a patent or publication is in the prior art under 35 U.S.C. § 102.” *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593, 1597 (Fed. Cir.), *cert. denied*, 481 U.S. 1052 (1987). See MPEP § 2141.01. The Instant Application was filed on June 21, 2000. Kawamura was published on November 24, 2000. As a result, Applicants submit that Kawamura is not prior art to the Instant Application under 35 U.S.C. § 102. Because Kawamura is not prior art and because the Office Action admits that Klingman does not teach or suggest all elements of each rejected claim, Applicants request withdrawal of the rejection of claims 1-5, 12, 30, 33-34, 41, 53 and 69-70 under 35 U.S.C. 103(a) over the combination of Klingman and Kawamura.

Claims 6, 8-11, 13-15, 18-20, 31-32, 35, 37-40, 43-44, 47-49, 56 and 68 were rejected under 35 U.S.C. § 103(a) over Klingman in view of Kawamura and further in view of Carlton-Foss (U.S. 6,647,373). Because Kawamura is not prior art and because the Office Action admits that Klingman does not teach or suggest all elements of each rejected claim, Carlton-Foss must teach or suggest what the other references are lacking. However, the Office Action has not

¹ Office Action mailed 1/21/05 at page 2, ¶2.

identified passages in Carlton-Foss that provide what Klingman and Kawamura are lacking.

Therefore, Applicants request withdrawal of this rejection.

Claim 21 was rejected under 35 U.S.C. § 103(a) over Klingman in view of Kawamura et al. and further in view of DeBenedictis et al. (U.S. 6,144,984; hereinafter referred to as DeBenedictis). Because Kawamura is not prior art and because the Office Action admits that Klingman does not teach or suggest all elements of each rejected claim, DeBenedictis must teach or suggest what the other references are lacking. However, the Office Action has not identified passages in DeBenedictis that provide what Klingman and Kawamura are lacking. Therefore, Applicants request withdrawal of this rejection.

Claims 16-17 and 45-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klingman in view of Kawamura and further in view of May (U.S. 6,317,727). Because Kawamura is not prior art and because the Office Action admits that Klingman does not teach or suggest all elements of each rejected claim, May must teach or suggest what the other references are lacking. However, the Office Action has not identified passages in May that provide what the Klingman and Kawamura are lacking. Therefore, Applicants request withdrawal of this rejection.

Claims 60-61 were rejected under 35 U.S.C. § 103(a) over Klingman in view of Kawamura and further in view of Schneider et al. ("An Introduction to Programming and Problem Solving with Pascal", 1982; hereinafter referred to as Schneider). Because Kawamura is not prior art and because the Office Action admits that Klingman does not teach or suggest all elements of each rejected claim, Schneider must teach or suggest what the other references are lacking. However, the Office Action has not identified passages in Schneider that provides what Klingman and Kawamura are lacking. Therefore, Applicants request withdrawal of this rejection.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 09/602,110

Filing Date: June 21, 2000

Title: METHOD AND SYSTEM FOR DEFINING AND UPLOADING MULTIPLE TRANSACTION DESCRIPTIONS FROM A CLIENT TO A NETWORK-BASED TRANSACTION FACILITY

Page 15

Dkt: 2043.020US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 281-213-8980 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOSHUA D KNEPFLE ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
281-213-8980

Date 1/23/2006

By Andrew DeLizio

Andrew DeLizio

Reg. No. 52,806

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of January, 2006.

Peter Rebuffoni

Name

Peter Rebuffoni

Signature

EXPEDITED PROCEDURE – EXAMINING GROUP 2100

S/N 09/602,110

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Joshua D. Kneplfe et al.	Examiner:	Mitra Kianersi
Serial No.:	09/602,110	Group Art Unit:	2143
Filed:	June 21, 2000	Docket No.:	2043.020US1
Title:	METHOD AND SYSTEM FOR DEFINING AND UPLOADING MULTIPLE TRANSACTION DESCRIPTIONS FROM A CLIENT TO A NETWORK- BASED TRANSACTION FACILITY		

AMENDMENT & RESPONSE UNDER 37 C.F.R. 1.116

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action mailed September 2, 2004, please amend the application as follows:

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a one-month extension of the period for responding to the Office action, thereby moving the deadline for response from December 2, 2004 to January 2, 2005 (Sunday).

Art Unit: 2145

and Carlton-Foss for the same reason and motivation given in the rejection for claims 14, 43 and 68 previously. By this rationale claim 54 is rejected.

25. In regard to claim 55, Klingman is applied as in claim 1. Klingman fails to disclose verifying a user for uploading information. However, Carlton-Foss discloses such a system. [Carlton-Foss, column 8, lines 46-52] It would be obvious to one of ordinary skill in the art to combine the teachings of Klingman and Carlton-Foss for the motivation and reason given in the rejection for claims 14, 43 and 68 previously. By this rationale claim 55 is rejected.

26. In regard to claim 58, Klingman is applied as in claim 1. Klingman fails to disclose assigning a common identifier to each of the descriptions. However, Carlton-Foss states that organizational information must be entered before it is validated. [Carlton-Foss, column 7, lines 42-51] If all descriptions have the same organizational information, then they are assigned a common identifier. It would be obvious to one of ordinary skill in the art at the time of the invention to combine Klingman and Carlton-Foss for the reason and motivation provided previously in the rejection for claims 14, 43 and 68. By this rationale claim 58 is rejected.

27. In regard to claim 59, Klingman is applied as in claim 1. Klingman fails to disclose assigning a unique identifier to each of the plurality of transaction descriptions. However, Carlton-Foss discloses generating a unique identification number for a requisition that has been validated. [Carlton-Foss, column 9, lines 4-10] It would be obvious to one of ordinary skill in the art at the time of the invention to combine Klingman and Carlton-Foss for the reasons given in the rejection of claims 14, 43 and 68. By this rationale claim 59 is rejected.

28. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman and DeBenedictis *et al.* (U.S. Patent No. 6,144,984).

29. In regard to claim 21, Klingman is applied as in claim 1. Klingman fails to disclose updating an application to the newest version. However, DeBenedictis discloses checking for a version of the application in question and updates it if necessary over the internet. [DeBenedictis, column 16, lines 28-61] It would be obvious to one of ordinary skill in the art at the time of the invention to combine Klingman

IN THE CLAIMS

Please amend the claims as follows.

1. (Currently Amended) A method to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the method including:

at a client computer, executing an upload application to present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items;

at the client computer, executing the upload application to perform a verification of each of the plurality of data items within the transaction description as received via the input interface;

at the client computer, executing the upload application automatically to compose a data file including a plurality of transaction descriptions; and

at the client computer, executing the upload application to propagate the data file from the client computer to the network-based transaction facility via a network.

2. (Original) The method of claim 1 wherein, at the client computer, the upload application presents a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions.

3. (Original) The method of claim 2 wherein the upload application presents navigation indicia to facilitate navigation between the plurality of input interfaces.

4. (Original) The method of claim 1 wherein the receiving of the transaction description and the composing of the data file are performed prior to establishing a network session between the client computer and the network-based transaction facility.

5. (Original) The method of claim 1 wherein the receiving of the transaction description includes determining whether an input template is designated for the transaction description and, if so, receiving at least one of the plurality of data items from the template into the transaction description.

6. (Original) The method of claim 1 wherein the upload application presents a list window displaying a list of the plurality of transaction descriptions.

7. (Canceled)

8. (Previously Presented) The method of claim 1 wherein the upload application verifies a format of a first data item of the transaction description as received via the input interface.

9. (Previously Presented) The method of claim 1 wherein the upload application verifies legality of a first data item of the transaction description as received via the input interface.

10. (Previously Presented) The method of claim 1 wherein the upload application verifies contents of a first data item of the transaction description as received via the input interface.

11. (Original) The method of claim 10 wherein the contents of a first data item comprises a category indication, and the upload application determines whether the category indication is a valid category supported by the network-based transaction facility.

12. (Original) The method of claim 1 wherein the upload application presents an upload interface to receive user identification information.

13. (Original) The method of claim 1 wherein the upload application presents an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility.

14. (Previously Presented) The method of claim 1 wherein the transaction description describes an auction transaction.

15. (Previously Presented) The method of claim 14 wherein the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification.

16. (Original) The method of claim 1 wherein the upload application automatically composes the data file as an e-mail message to be communicated to an e-mail address associated with the network-based transaction facility.

17. (Original) The method of claim 16 wherein the upload application propagates the e-mail message from the client computer to the network-based transaction facility via an e-mail transport protocol.

18. (Original) The method of claim 1 wherein the transaction description includes a category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface presents a list of categories for user-selection and incorporation into the transaction description as the category description.

19. (Original) The method of claim 18 wherein the input interface presents the list of categories as a drop-down menu.

20. (Original) The method of claim 1 including receiving, via the network at the client computer from the network-based transaction facility, a category data file specifying subject categories supported by the network-based transaction facility.

21. (Original) The method of claim 1 including determining an installed version indication for the upload application at the client computer, performing a check to determine if a current version is more recent than the installed version of the upload application and, if so, presenting a user with the option of replacing the installed version of the upload application with the current version of the upload application.

22. (Original) The method of claim 1 including receiving at the client computer a confirmation message that the data file has been successfully received by the network-based transaction facility.

23. (Original) The method of claim 1 including receiving at the client computer an error message generated by the network-based transaction facility that the data file includes at least one error.

24. (Original) The method of claim 22 wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility.

25. (Original) The method of claim 24 wherein the presenting of the confirmation interface comprises presenting a location identifier to a remotely-generated interface.

26. (Original) The method of claim 25 wherein the remotely-generated interface comprises a markup language document.

27. (Original) The method of claim 24 wherein the confirmation interface facilitates editing of the transaction description as included in the data file received by the network-based transaction facility.

28. (Original) The method of claim 24 wherein the confirmation interface facilitates committing of a transaction described by the transaction description to an active state by the network-based transaction facility.

29. (Original) The method of claim 24 wherein the confirmation interface facilitates a preview of a transaction posting by the network-based transaction facility based on the transaction description.

30. (Currently Amended) A system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the system including:

a communications application; and

an upload application to present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; to perform a verification of each of the plurality of data items within the transaction description as received via the input interface; to compose a data file including a plurality of transaction descriptions; and to propagate the data file from the client computer to the network-based transaction facility via a network utilizing the communications application.

31. (Original) The system of claim 40 wherein the upload application is present a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions.

32. (Original) The system of claim 31 wherein the upload application is to present navigation indicia to facilitate navigation between the plurality of input interfaces.

33. (Currently Amended) The system of claim 30 wherein the upload application is to ~~receiving of~~ receive the transaction description and to compose the data file prior to establishing a network session between the client computer and the network-based transaction facility.

34. (Original) The system of claim 30 wherein the upload application is to determine whether an input template is designated for the transaction description and, if so, to receive at least one of the plurality of data items from the template into the transaction description.

35. (Original) The system of claim 30 wherein the upload application is to present a list window displaying a list of the plurality of transaction descriptions.

36. (Canceled)

37. (Previously Presented) The system of claim 30 wherein the upload application is to verify a format of a first data item of the transaction description as received via the input interface.

38. (Previously Presented) The system of claim 30 wherein the upload application is to verify legality of a first data item of the transaction description as receive via the input interface.

39. (Previously Presented) The system of claim 30 wherein the upload application is to verify contents of a first data item of the transaction description as received via the input interface.

40. (Original) The system of claim 39 wherein the contents of a first data item comprises a category indication, and the upload application is to determine whether the category indication is a valid category supported by the network-based transaction facility.

41. (Original) The system of claim 30 wherein the upload application is to present an upload interface to receive user identification information.

42. (Original) The system of claim 30 wherein the upload application is to present an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility.

43. (Previously Presented) The system of claim 30 wherein the transaction description describes an auction transaction.

44. (Previously Presented) The system of claim 43 wherein the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification.

45. (Original) The system of claim 30 wherein the upload application is to automatically compose the data file as an e-mail message to be communicated to an e-mail address associated with the network-based transaction facility.

46. (Original) The system of claim 45 wherein the upload application is to propagate the e-mail message from the client computer to the network-based transaction facility via an e-mail transport protocol.

47. (Original) The system of claim 30 wherein the transaction description includes a category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface is to present a list of categories for user-selection and incorporation into the transaction description as the category description.

48. (Original) The system of claim 47 wherein the input interface presents the list of categories as a drop-down menu.

49. (Original) The system of claim 30 wherein the upload application is to receive a category data file specifying subject categories supported by the network-based transaction facility.

50. (Original) The system of claim 30 wherein the upload applications is to receive a confirmation message that the data file has been successfully received by the network-based transaction facility.

51. (Original) The system of claim 30 wherein the upload application is to receive an error message generated by the network-based transaction facility that the data file includes at least one error.

52. (Original) The system of claim 50 wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility.

53. (Currently Amended) A network-based transaction system comprising:
a user computer, coupled to a network, hosting an upload application to present an input interface to receive a plurality of transaction descriptions, each transaction description comprising a plurality of data items pertaining to a transaction facilitated by

the network-based transaction facility and the input interface presenting a plurality of data fields to receive the plurality of data items; and

a transaction computer system, coupled to the network, hosting a transaction application to facilitate a transaction between a buyer and seller, the transaction application to receive a data file from the uploaded location via the network, wherein the upload application receives the plurality of transaction descriptions via the input interface, composes the data file to include the plurality of transaction descriptions, performs a verification of each of the plurality of data items within each of the plurality of transaction descriptions as received via the input interface, and communicates the data file to the transaction application via the network.

54. (Original) The network-based transaction system of claim 53 wherein the transaction application is to parse the data file to extract the plurality of transaction descriptions from there within.

55. (Original) The network-based transaction system of claim 53 wherein the upload application is to include a user identifier within the data file and the transaction application is to verify the user identifier as identifying a user registered to participate within the network-based transaction system.

56. (Original) The network-based transaction system of claim 53 wherein the transaction application is to verify the format of at least one of the plurality of data items included in each of the plurality of transaction descriptions.

57. (Original) The network-based transaction system of claim 53 wherein the transaction application is to communicate an error message to the user computer via the network if a verification operation performed by the transaction application with respect to the data file fails.

58. (Original) The network-based transaction system of claim 53 wherein the transaction application is to assign a common identifier to each of the plurality of transaction descriptions included within the data file.

59. (Original) The network-based transaction system of claim 53 wherein the transaction application is to assign a unique identifier to each of the plurality of transaction descriptions included within the data file.

60. (Currently Amended) The network-based transaction system of claim 53 wherein the transaction application is to determine whether the plurality of transaction descriptions included with the data file ~~exceed~~ exceeds a predetermined number of transaction descriptions.

61. (Original) The network-based transaction system of claim 60 wherein the transaction application, if the predetermined number of transaction descriptions is exceeded, is to communicate an error message to the user computer via the network.

62. (Original) The network-based transaction system of claim 53 wherein the transaction application is to communicate a confirmation message to the user computer via the network following a verification operation with respect to the plurality of transaction descriptions included within the data file.

63. (Original) The network-based transaction system of claim 62 wherein the confirmation message returns a confirmation interface listing a plurality of transactions to be facilitated by the network-based transaction system.

64. (Original) The network-based transaction system of claim 63 wherein the confirmation message includes a location identifier indicating a remote location from which the confirmation interface may be retrieved.

65. (Previously Presented) The network-based transaction system of claim 63 wherein the confirmation interface comprises a markup language document.

66. (Original) The network-based transaction system of claim 62 wherein the transaction application is to assign the plurality of transaction descriptions to a wait condition pending confirmation of the plurality of transaction descriptions by a user responsive to the confirmation message.

67. (Original) The network-based transaction system of claim 66 wherein the transaction application initiates a plurality of transaction processes responsive to the confirmation of the plurality of transaction descriptions by the user.

68. (Original) The network-based transaction system of claim 53 wherein each of the plurality of transaction descriptions describes an auction transaction and the transaction application is to facilitate a plurality of network-based auction processes of respective subject matters described in each of the transaction descriptions.

69. (Currently Amended) A machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to:

present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items;

automatically perform a verification of each of the plurality of data items within the transaction description as received via the input interface;

automatically compose a data file including a plurality of transaction descriptions;

and

propagate the data file from the client computer to the network-based transaction facility via a network.

70. (Currently Amended) A system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the system including:

communications means for communicating a data file; and

collection means for presenting an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; for performing a verification of each of the plurality of data items within each of the plurality of transaction descriptions as received via the input interface; for composing a data file including a plurality of transaction descriptions; and for propagating the data file from the client computer to the network-based transaction facility via a network utilizing the communications means.

REMARKS

This responds to the Office Action mailed on September 2, 2004.

Claims 1, 30, 33, 53, 60, 69, and 70 are amended; as a result, claims 1-6, 8-35-, 37-70 are now pending in this application.

§102 Rejection of the Claims

Claims 1-70 were rejected under 35 USC § 102(e) as being allegedly being anticipated by Klingman (U.S. 5,799,285).

In the Office Action, claim(s) 1-70 were rejected under 35 U.S.C. 102(b) as being anticipated by Klingman (US 5,799,285). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Klingman fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

For example, Klingman fails to teach or suggest performing a verification of each of the plurality of data items within a transaction description as received via the input interface, as recited by Applicant's claims 1, 30, 53, 69 and 70 as amended.

With regard to these elements of claims 1, 30 53, 69, and 70 , as amended, the Examiner stated that "in summary, Klingman invention is an electronic transaction communications system providing secure communications by the verification of the seller's identity, which can be interpreted as a verification of the transaction description." However, this teaching of Klingman describes at best a mechanism for checking an ID for a user to see if an operation may be performed. Contrary to the Examiner's assertion, Klingman makes no mention of performing verification of each of the individual data items within a transaction description to determine if

each of these data items is accurate and permitted before the transaction description is uploaded and used in subsequent processing, as recited in Applicant's claim 1.

In order to support an anticipation rejection under 35 U.S.C. 102(b), it is well established that a prior art reference must disclose each and every element of a claim. This well known rule of law is commonly referred to as the "all-elements rule." See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81 (CAFC 1986) ("it is axiomatic that for prior art to anticipate under 102 it has to meet every element of the claimed invention"). If a prior art reference fails to disclose any element of a claim, then rejection under 35 U.S.C. 102(b) is improper. *Id.* See also *Lewmar Marine, Inc. v. Barient, Inc.* 827 F.2d 744, 3 USPQ2d 1766 (CAFC 1987); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (CAFC 1990); *C.R. Bard, Inc. v. MP Systems, Inc.*, 157 F.3d 1340, 48 USPQ2d 1225 (CAFC 1998); *Oney v. Ratliff*, 182 F.3d 893, 51 USPQ2d 1697 (CAFC 1999); *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 57 USPQ2d 1057 (CAFC 2000).

Klingman fails to disclose each and every limitation set forth in claims 1-6, 8-35, and 37-70, as amended. For at least these reasons, the Examiner has failed to establish a prima facie case for anticipation of Applicant's claims 1-6, 8-35, and 37-70, as amended under 35 U.S.C. 102(b). Withdrawal of this rejection is requested.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 - EXPEDITED PROCEDURE

Serial Number: 09/602,110

Filing Date: June 21, 2000

Title: METHOD AND SYSTEM FOR DEFINING AND UPLOADING MULTIPLE TRANSACTION DESCRIPTIONS FROM A CLIENT TO A NETWORK-BASED TRANSACTION FACILITY

Page 16

Dkt: 2043.020US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 612-371-2144 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOSHUA D. KNEPLFE ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-371-2144

Date

5/20/05

By

Richard J. Gregson
Richard J. Gregson
Reg. No. 41,408

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3 day of January, 2005.

Peter Robuffoni

Name

Peter Robuffoni
Signature



T_SLW05150

UNITED STATES PATENT AND TRADEMARK OFFICE

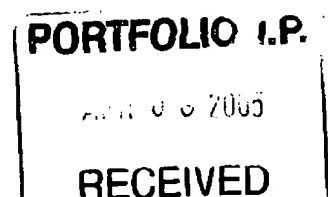
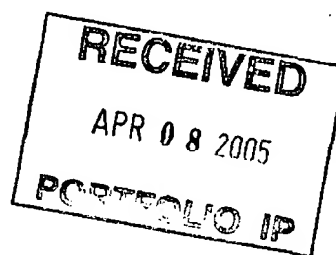
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,110	06/21/2000	Joshua D. Kneple	003801.P005	7604
49845	7590	04/05/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			SWEARINGEN, JEFFREY R	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No.	Applicant(s)	
	09/602,110	KNEPFLE ET AL.	
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-35 and 37-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-35 and 37-70 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/6/2005</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2145

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/6/2005 has been entered.
2. This case has been reassigned to a new examiner.

Claim Objections

3. Claim 9 is objected to because of the following informalities: The word "receive" is in an improper verb tense and should be changed to "received" to fit the context of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2145

5. Claims 1-5, 12, 30, 33-34, 41, 53, and 69-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Klingman (U.S. Patent No. 5,799,285).

6. In regard to claims 1, 30, 53, 69 and 70, Klingman discloses a method, system, network-based transaction system, machine-readable medium storing a sequence of instructions, and system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility for *at a client computer, executing an upload application to present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; at the client computer, executing the upload application to perform a verification of each of the plurality of data items within the transaction description as received via the input interface; at the client computer, executing the upload application automatically to compose a data file including a plurality of transaction descriptions; and at the client computer, executing the upload application to propagate the data file from the client computer to the network-based transaction facility via a network.* Klingman collects data for auction transactions with an application that executes on the client. The data is entered and verified for accuracy, before being uploaded to the server. See Klingman, column 6, lines 1-8, lines 12-31, column 7, lines 8-19, lines 30-47, column 11, lines 13-25. By this rationale claims 1, 30, 53, 69 and 70 are rejected.

7. In regard to claim 2, Klingman is applied as in claims 1. Klingman further discloses *the upload application presents a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions.* [Klingman, column 6, lines 1-8, lines 12-31] By this rationale claim 2 is rejected.

8. In regard to claim 3, Klingman is applied as in claim 2. Klingman further discloses *the upload application presents navigation indicia to facilitate navigation between the plurality of input interfaces.* Klingman states that the preferred implementation of the registration software [*plurality of input interfaces*] is in the form of a "plug-in" for Netscape Navigator. Since the plug-in is designed for Netscape Navigator, it is inherent that *navigation indicia* would be present in the registration software. By this rationale claim 3 is rejected.

Art Unit: 2145

9. In regard to claims 4 and 33, Klingman is applied as in claims 1 and 30. Klingman further discloses *the receiving of the transaction description and the composing of the data file are performed prior to establishing a network session between the client computer and the network-based transaction facility*. [Klingman, column 6, lines 26-28] By this rationale claims 4 and 33 are rejected.

10. In regard to claims 5 and 34, Klingman is applied as in claims 1 and 30. Klingman further discloses *the receiving of the transaction description includes determining whether an input template is designated for the transaction description and, if so, receiving at least one of the plurality of data items from the template into the transaction description*. [Klingman, column 8, lines 59-64] By this rationale claims 5 and 34 are rejected.

11. In regard to claims 12 and 41, Klingman is applied as in claims 1 and 30. Klingman further discloses *the upload application presents an upload interface to receive user identification information*. [Klingman, column 7, lines 30-47] By this rationale claims 12 and 41 are rejected.

12. In regard to claims 22, 24-29, 50, 52, and 62-67, Klingman is applied as in claims 1, 30 and 53. Klingman further discloses *a confirmation message that the data file has been successfully received by the network-based transaction facility [the TRY page is provided to the seller's system]; a confirmation interface listing transactions successfully received by the network-based transaction facility [the seller reviews and approves the EKOM-generated, HTML-based TRY page generated based upon the forms and/or description of the software product that the seller uploaded]; the presenting of the confirmation interface comprises presenting a location identifier to a remotely-generated interface, wherein the remotely-generated interface comprises a markup language document [the distributor's system automatically generates a web page...using HTML code...and the seller reviews and approves the...HTML-based TRY page]; wherein the confirmation interface facilitates editing of the transaction description as included in the data file received by the network-based transaction facility [if the seller is dissatisfied with the page as indicated, the seller provides additions or modifications to the product description and/or links to the product information until the seller has approved a page]; wherein the confirmation interface facilitates committing of a transaction described by the transaction description to an active state by the network-based transaction facility [upon approval of the page, the distributor's system*

Art Unit: 2145

publishes the HTML page on the web and presents the same in a directory accessible by Internet users];
and the confirmation interface facilitates a preview of a transaction posting by the network-based
transaction facility based on the transaction description [the page is provided to the seller's system and
the seller reviews and approves the page]. [Klingman, column 11, lines 5-25] By this rationale claims 22,
24-29, 50, 52, and 62-67 are rejected.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness
rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as
set forth in section 102 of this title, if the differences between the subject matter sought to be
patented and the prior art are such that the subject matter as a whole would have been obvious
at the time the invention was made to a person having ordinary skill in the art to which said
subject matter pertains. Patentability shall not be negated by the manner in which the invention
was made.

14. Claims 6, 8-11, 13-15, 18-20, 31-32, 35, 37-40, 43-44, 47-49, 56 and 68 are rejected under 35
U.S.C. 103(a) as being unpatentable over Klingman in view of Carlton-Foss (U.S. Patent No. 6,647,373).

15. In regard to claims 14, 43, and 68, Klingman is applied as in claims 1, 30 and 53. Klingman fails
to disclose *the transaction description describes an auction transaction*. However, Carlton-Foss discloses
a system for internet reverse auctions. [Carlton-Foss, column 5, lines 18-31] It would have been obvious
to one of ordinary skill in the art at the time of the invention to combine the teachings of Klingman and
Carlton-Foss for the purpose of providing a secure way of selling items online. [Carlton-Foss, column 5,
lines 39-49] Klingman gives motivation for the combination by stating that a secure communications
scheme is necessary to allow small sellers to compete in the marketplace on an even-playing field.
[Klingman, column 3, lines 1-6] By this rationale claims 14, 43, and 68 are rejected.

Art Unit: 2145

16. In regard to claims 15 and 44, Klingman and Carlton-Foss are applied as in claims 14 and 43. Carlton-Foss further discloses *an auction duration specification*. [Carlton-Foss, column 6, lines 4-9, which shows a deadline for an auction.] By this rationale claims 15 and 44 are rejected.

17. In regard to claims 6 and 35, Klingman is applied as in claims 1 and 30. Klingman fails to disclose a list of the plurality of transaction descriptions. However, Carlton-Foss provides a list of the plurality of transaction descriptions. [Carlton-Foss, Figure 12a] Carlton-Foss shows such a listing for the bidder on items *in an auction*, but the fundamental idea is likewise applicable to the seller submitting items for auction utilizing a similar "shopping cart" type feature. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Klingman and the teachings of Carlton-Foss for the reasons and motivation previously given in the rejection for claims 14, 43 and 68. By this rationale claims 6 and 35 are rejected.

18. In regard to claims 8-11, 37-40 and 56, Klingman is applied as in claims 1, 30 and 53. Klingman fails to disclose verification of the data items in a transaction description. However, Carlton-Foss discloses a requisition validator that examines the request data [auction information] received from the requestor [seller] and checks it to see if it is of the correct type and properly formatted. [Carlton-Foss, column 7, lines 32-51] It would be obvious to one of ordinary skill in the art to validate the data as shown in Carlton-Foss in the Klingman invention for the same reasons and motivation as applied in claims 14 and 43. By this rationale, claims 8-11, 37-40, and 56 are rejected.

19. In regard to claims 18-20 and 47-49, Klingman is applied as in claims 1 and 30. Klingman fails to disclose a drop-down list of categories and a data file specifying categories. However, Carlton-Foss discloses the ability to have a category dropdown menu in Figure 12b. It is inherent to such dropdown menus that a data file specifying categories would be present in order to fill the drop down menu with appropriate items for selection. It would be obvious to one of ordinary skill in the art to combine the above feature of Carlton-Foss with the Klingman invention for the same reason and motivation given in the rejection for claims 14, 43 and 68. By this rationale, claims 18-20 and 47-49 are rejected.

20. In regard to claims 23, 51, and 57, Klingman is applied as in claims 1, 30 and 53. Klingman fails to disclose detecting an error in verification and notifying the user. However, Carlton-Foss does this

Art Unit: 2145

during operation of its requisition validator. [Carlton-Foss, column 9, lines 1-4] It would be obvious to one of ordinary skill in the art at the time of the invention to combine Klingman and Carlton-Foss for the same purpose and motivation as given in the rejection for claims 14, 43, and 68 previously. By this rationale claims 23, 51 and 57 are rejected.

21. In regard to claim 31, Klingman and Carlton-Foss are applied as in claim 40. Klingman further discloses *the upload application presents a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions*. [Klingman, column 6, lines 1-8, lines 12-31] By this rationale claim 31 is rejected.

22. In regard to claim 32, Klingman and Carlton-Foss are applied as in claim 31. Klingman further discloses *the upload application presents navigation indicia to facilitate navigation between the plurality of input interfaces*. Klingman states that the preferred implementation of the registration software *[plurality of input interfaces]* is in the form of a "plug-in" for Netscape Navigator. Since the plug-in is designed for Netscape Navigator, it is inherent that *navigation indicia* would be present in the registration software. By this rationale claim 32 is rejected.

23. In regard to claim 13, Klingman is applied as in claim 1. Klingman fails to disclose a date and time indication for the transaction process. However, Carlton-Foss discloses adding a deadline to the auction and recording the time the request is submitted *[a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility]*. [Carlton-Foss, column 6, lines 4-9] It would be obvious to one of ordinary skill in the art to add various date and time information to an auction as disclosed in Carlton-Foss for sale on the Klingman invention. The reasons and motivation for such a combination are stated in the rejections for claims 14 and 43 previously. By this rationale claim 13 is rejected.

24. In regard to claim 54, Klingman is applied as in claim 54. Klingman fails to disclose parsing the data file to extract the plurality of transaction descriptions. However, Carlton-Foss discloses processing data from a World Wide Web interface or an interactive database user interface or a database import facility, which would be the equivalent of parsing a data file to extract information. [Carlton-Foss, column 7, lines 34-38] It would be obvious to one of ordinary skill in the art to combine the teachings of Klingman

Art Unit: 2145

with DeBenedictis in order to have the necessary software to process the data being entered.

[DeBenedictis, column 16, lines 9-16] Klingman gives motivation for the combination by needing a secure communications scheme to supply products for sale through electronic media. [Klingman, column 3, lines 1-6] DeBenedictis is analogous art because it specifically teaches a communications scheme to supply products for sale through electronic media, in the form of an auction application. [DeBenedictis, column 27, line 39] By this rationale claim 21 is rejected.

30. Claims 16-17 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman and May (U.S. Patent No. 6,317,727).

31. In regard to claims 16-17 and 45-46, Klingman is applied as in claims 1 and 30. Klingman fails to disclose using email to transport auction information. However, May discloses sending auction transaction information via email. [May, column 45, lines 1-7] It would be obvious to one of ordinary skill in the art to combine the teachings of Klingman and May to allow a user to submit transaction information by many methods to the auction server, including email. By this rationale claims 16-17 and 45-46 are rejected.

32. Claims 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman and Schneider et al. (An Introduction to Programming and Problem Solving with Pascal, 1982).

33. In regard to claims 60-61, Klingman is applied as in claim 53. Klingman fails to disclose limiting the size of a file to be processed. However, such limiting of file size during processing is a basic programming concept, as demonstrated in Figure 10-6 of Schneider, which shows processing a file based upon a maximum length of line and stopping at the end of that length utilizing a do-while loop. See Schneider, page 369. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate limits on file processing with the Klingman invention to prevent errors in the system, to protect system resources, and to speed processing times. By this rationale claims 60-61 are rejected.

Art Unit: 2145

Response to Arguments

34. Applicant's arguments with respect to claims 1-70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Boesjes, U.S. Patent No. 6,799,165
- Ojha et al., U.S. Patent No. 6,598,026
- May, U.S. Patent No. 6,421,653
- Fisher et al., U.S. Patent No. 6,243,691
- Hess et al., U.S. Patent No. 6,732,161
- Wells et al., U.S. Patent No. 6,446,048
- Daniels et al., U.S. Patent No. 5,758,126

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

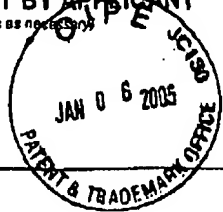
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PATRICE WINDER
PRIMARY EXAMINER

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known

Application Number 09/602,110
Filing Date June 21, 2000
First Named Inventor Knepfle, Joshua
Group Art Unit 2143
Examiner Name Unknown

Sheet 1 of 1

Attorney Docket No: 2043.020US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date if Appropriate
JM	US-5,442,782	08/15/1995	Malatesta, John A., et al.	08/13/1993
JR	US-6,018,742	01/25/2000	Herbert, III, C. S.	07/07/1998
JM	US-6,205,418	03/20/2001	Li, X., et al.	06/25/1997
JM	US-6,326,985	12/04/2001	Tazoe, E., et al.	01/06/1999

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ¹
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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
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EXAMINER

[Signature]

DATE CONSIDERED

3/23/05

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

Notice of References Cited	Application/Control No. 09/602,110	Applicant(s)/Patent Under Reexamination KNEPFLE ET AL.	
	Examiner Jeffrey R. Swearingen	Art Unit 2145	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,799,285 A	08-1998	Klingman, Edwin E.	705/26
	B	US-6,799,165 B1	09-2004	Boesjes, Eimar M.	705/28
	C	US-6,598,026 B1	07-2003	Ojha et al.	705/26
	D	US-6,421,653 B1	07-2002	May, R. Raymond	705/37
	E	US-6,243,691 B1	06-2001	Fisher et al.	705/37
	F	US-6,732,161 B1	05-2004	Hess et al.	709/219
	G	US-6,446,048 B1	09-2002	Wells et al.	705/35
	H	US-5,758,126 A	05-1998	Daniels et al.	715/780
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Schneider, G. Michael , Steven W. Weingart, and David M. Perlman. An Introduction to Programming and Problem Solving with Pascal, second edition. New York: John Wiley & Sons, Inc., 1982.
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,110	06/21/2000	Joshua D. Kneple	003801.P005	7604

7590

01/21/2004

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JAN 23 2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELES

EXAMINER

KIANERSI, MITRA

ART UNIT

2143

PAPER NUMBER

8

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

ENTERED

JAN 28 2003

STATUS DB-LA

Date 4/21/2004 Client: eBay Inc.
Docket Initials ME 3801.P005
Dock. Sup. Initials ✓
Atty Initials ALM
Pat/Ser/Reg 602110

Description:

1 x

Response due

1/28/2004

Michelle Edmund

Office Action Summary	Application No. 09/602,110 ✓	Applicant(s) NARAYANASWAMI, CHANDRASEKHAR	
	Examiner mitra kianersi	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on june 21 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 21june 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6,5,7</u> . | 6) <input type="checkbox"/> Other: _____ |

Claims 1-70 have been examined.

Information Disclosure Statement

An initialed and dated copy of applicant's IDS form 1449 is attached to the instant Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-13, 16-42 and 45-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingman (US Patent No. 5,799,285).

1. As to claim I, Klingman in abstract teaches the step of a method to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the method including

- at a client computer, executing an upload application to present an input interface to receive a transaction description, comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; (in fig.2 element 52, the seller writes a description of the product for the purpose of ultimately uploading the same to the distributor).

Art Unit: 2143

- compose a data file including a plurality of transaction descriptions; (Col 8, lines 40-54)
 - at a client computer, executing the upload application to propagate the data file from the client computer to the network-based transaction facility via a network.(Fig.3)
2. As to claim 2 and 3, Klingman illustrates the step of a method wherein, at the client computer, the upload application presents a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions. (Fig. 2) the upload application presents navigation indicia to facilitate navigation between the pluralities of input interfaces. (Fig. 2)
1. As to claim 4 and 33, Klingman teaches the step of a method and system wherein the receiving of the transaction description and the composing of the data file are performed prior to establishing a network session between the client computer and the network-based transaction facility. (Col 6, lines 1-10), (Fig.1)
2. As to claim 5 and 34, Klingman teaches the step of a method and system the step of a method wherein the receiving of the transaction description includes determining whether an input template is designated for the transaction description and, if so, receiving at least one of the pluralities of data items from the template into the transaction description. (Col 15, lines 49-51)
3. As to claim 6 and 35, Klingman teaches the step of a method and system wherein the upload application presents a list window displaying a list of the plurality of transaction description is inherent, since the information regarding the seller's product is on the page site.

4. As to claim 7 and 36, Klingman teaches the step of a method and system wherein the upload application performs a verification of the transaction description as received via the input interface. (Col 10, lines 25-45).
5. As to claim 8 and 37, Klingman teaches the step of a method and system wherein the upload application verifies a format of a first data item of the transaction description as received via the input interface. (Col 10, lines 49-53)
6. As to claim 9 and 38, Klingman teaches the step of a method and system wherein the upload application verifies legality of a first data item of the transaction description as receive via the input interface.(Col 7, lines 1-20)
7. As to claim 10 and 39, Klingman teaches the step of a method and system wherein the upload application verifies contents of a first data item of the transaction description as received via the input interface. (Col 10, lines 53-57)
8. As to claim 11 and 40, Klingman teaches the step of a method and system wherein the contents of a first data item comprises a category indication, and the upload application determines whether the category indication is a valid category supported by the network-based transaction facility. (Col 7, lines 12-18)
9. As to claim 12 and 41, Klingman teaches the step of a method and system wherein the upload application presents an upload interface to receive user identification information. (Fig.1) and (Seller interface layer) or OSI layer
10. As to claim 13 and 42, Klingman teaches the step of a method and system wherein the upload application presents an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility. (Fig.1)

11. As to claim 16 and 45, Klingman teaches the step of a method wherein the upload application automatically composes the data file as an e-mail message to be communicated to an e-mail address associated with the network-based transaction facility. (Col. 13, lines 14-35)

12. As to claim 17 and 46, Klingman teaches the step of a method wherein the upload application propagates the e-mail message from the client computer to the network based transaction facility via e-mail transport protocol. (Col 13, lines 14-35)

13. As to claim 18 and 47, Klingman teaches the step of a method wherein the transaction description includes category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface presents a list of categories for user-selection and incorporation into the transaction description as the category description. (Col 4, lines 12-25)

14. As to claim 19 and 48, Klingman teaches the step of a method and system wherein the input interface presents the list of categories, as a drop-down menu is inherent, since the information regarding the seller's product is on the page site.

15. As to claim 20 and 49, Klingman teaches the step of a method and system including receiving, via the network at the client computer from the network-based transaction facility, a category data file specifying subject categories supported by the network based transaction facility. (Col 9, lines 36-63)

16. As to claim 21, Klingman teaches the step of a method and system including determining an installed version indication for the upload application at the client computer, performing a check to determine if a current version is more recent than the installed version of the upload application and, if so, presenting a user with the option of replacing the installed version of the upload application with the current version of the upload application. (Col 10, lines 47-67)

17. As to claim 22 and 50, Klingman teaches a method and system including receiving at the client computer a confirmation message that the data file has been successfully received by the network-based transaction facility. (Fig. 2) and (Col 6, lines 46-60)

18. As to claim 23 and 51, Klingman teaches the step of a method and system including receiving at the client computer an error message generated by the network-based transaction facility that the data file includes at least one error. (Fig.1) and (Col 5, lines 17-30)

19. As to claim 24 and 52, Klingman teaches the step of a method and system wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility. (Col 10, lines 47-60)

20. As to claim 25, Klingman teaches the step of a method and system wherein the presenting of the confirmation interface comprises presenting a location identifier to a remotely-generated interface. (Col 4, lines 11-25)

21. As to claim 26 and 65, Klingman teaches the step of a method and system wherein the remotely-generated interface comprises a markup language document. (Col. 7, line 56)

22. As to claim 27, Klingman teaches a method wherein the confirmation interface facilitates editing of the transaction description as included in the data file received by the network-based transaction facility. (Col 10, lines 11-24)

23. As to claim 28, Klingman teaches the step of a method wherein the confirmation interfaces facilitates committing of a transaction described by the transaction description to an active state by the network-based transaction facility. (Col. 7, line 56)

24. As to claim 29, Klingman teaches the step of a method wherein the confirmation interface facilitates a preview of a transaction posting by the network-based transaction facility based on the transaction description. (Col 15, lines 24-59)

25. As to claim 30, Klingman in abstract teaches the step of a system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the step of system including: a communications application (Fig 2); and an upload application to present an input interface to receive a transaction description (Col 8, lines 40-54), the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; to compose a data file including a plurality of transaction descriptions (Fig 3); and to propagate the data file from the client computer to the network-based transaction facility via a network utilizing the communications application.

26. As to claim 31, Klingman teaches the step of a system wherein the upload application is present a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions (Col 8, lines 40-54).

27. As to claim 32, Klingman teaches the step of a system wherein the upload application is to present navigation indicia to facilitate navigation between the pluralities of input interfaces. (Fig 3)

28. As to claim 53, Klingman in abstract teaches the step of a network-based transaction system comprising: a user computer, coupled to a network, hosting an upload application to present an input interface to receive a plurality of transaction descriptions (Fig 2 and 3), each transaction description comprising a plurality of data items pertaining to a transaction facilitated by the network-based transaction facility and the input interface presenting a plurality of data fields to receive the plurality of data items; and a transaction computer system, coupled to the network, hosting a

transaction application to facilitate a transaction between a buyer and seller, the transaction application to receive a data file from the uploaded location via the network, wherein the upload application receives the plurality of transaction descriptions via the input interface, composes the data file to include the plurality of transaction descriptions and communicates the data file to the transaction application via the network. (Fig 1 and 3)

29. As to claim 54, the step of a network-based transaction system wherein the transaction application is to parse the data file to extract the plurality of transaction descriptions from there within. (Col 7, lines 10-20)

30. As to claim 55, the step of a network-based transaction system of claim 53 wherein the upload application is to include a user identifier within the data file and the transaction application is to verify the user identifier as identifying a user registered to participate within the network-based transaction system. (Col 11, lines 53-66)

31. As to claim 56, the step of a network-based transaction system wherein the transaction application is to verify the format of at least one of the plurality of data items included in each of the plurality of transaction descriptions. (Col 15, lines 25-59)

32. As to claim 57, Klingman teaches the step of a network-based transaction system of claim 53 wherein the transaction application is to communicate an error message to the user computer via the network if a verification operation performed by the transaction application with respect to the data file fails (Col 13, lines 14-35).

33. As to claim 58, the step of a network-based transaction system of claim 53 wherein the transaction application is to assign a common identifier to each of the plurality of transaction descriptions included within the data file. (Col 11, lines 54-66)

34. As to claim 59, the step of a network-based transaction system wherein the transaction application is to assign a unique identifier to each of the plurality of transaction descriptions included within the data file. (Col 4, lines 12-24)

35. As to claim 60, the step of a network-based transaction system wherein the transaction application is to determine whether the plurality of transaction descriptions included with the data file exceeds a predetermined number of transaction descriptions is inherent.

36. As to claim 61, the step of a network-based transaction system wherein the transaction application, if the predetermined number of transaction descriptions is exceeded, is to communicate an error message to the user computer via the network is inherent.

37. As to claim 62, the step of network-based transaction system wherein the transaction application is to communicate a confirmation message to the user computer via the network following a verification operation with respect to the plurality of transaction descriptions included within the data file (Col 10, lines 47-65).

38. As to claim 63, the step of a network-based transaction system wherein the confirmation message returns a confirmation interface listing a plurality of transactions to be facilitated by the network-based transaction system. (Col 7, lines 1-20)

39. As to claim 64, the step of a network-based transaction system wherein the confirmation message includes a location identifier indicating a remote location from which the confirmation interfaces may be retrieved. (Col 7, lines 1-20)

40. As to claim 66, the step of a network-based transaction system wherein the transaction application is to assign the plurality of transaction descriptions to a wait

Art Unit: 2143

condition pending confirmation of the plurality of transaction descriptions by a user responsive to the confirmation message.(Col 16, lines 22-40)

41. As to claim 67, the step of a network-based transaction system wherein the transaction application initiates a plurality of transaction processes responsive to the confirmation of the plurality of transaction descriptions by the user. (Col 16, lines 29)

42. As to claim 68, the step of a network-based transaction system wherein each of the plurality of transaction descriptions describes an auction transaction and the transaction application is to facilitate a plurality of network-based auction processes of respective subject matters described in each of the transaction descriptions. (Fig 1, 2 and 3)

43. As to claim 69, Klingman in abstract teaches the step of a machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine (Fig 2) to present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; (Fig 3) automatically compose a data file including a plurality of transaction descriptions; and propagate the data file from the client computer to the network-based transaction facility via a network.(Fig.3)

44. As to claim 70, Klingman in abstract teaches the step of a system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the system including: (Fig 2) communications means for communicating a data file; and collection means for presenting an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; for composing a data file including a plurality of transaction descriptions; and for

propagating the data file from the client computer to the network-based transaction facility via a network utilizing the communications means (Fig 1, 2 and 3).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 14-15 and 43-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

45. Regarding claims 14-15 and 43-44, the phrase "at least partially" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (703) 305-4650. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mitra Kianersi
Sep/15/2003


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Notice of References Cited	Application/Control No. 09802110	Applicant(s)/Patent Under Reexamination NARAYANASWAMI, CHANDRASEK	
	Examiner mitra kianersi	Art Unit 2143	Page 1 of 1

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		Application Number	09/602,110 #5
		Filing Date	June 21, 2000
		First Named Inventor	Joshua D. Knepfle, et al.
		Group Art Unit	Unknown 2143
		Examiner Name	Unknown miter Kianersi
Sheet	1 of 1	Attorney Docket Number	003801.P005

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
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Application Number 09/602,110
Filing Date June 21, 2001
First Named Inventor Joshua D. Knepfle
Group Art Unit 2756
Examiner Name Not Yet Assigned
Attorney Docket Number 003801.P005

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STATEMENT BY APPLICANT**

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Application Number 09/602,110
Filing Date June 21, 2001
First Named Inventor Joshua D. Knepfle
Group Art Unit 2756
Examiner Name Not Yet Assigned
Attorney Docket Number 003801.P005

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Application Number	09/602,110
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First Named Inventor	Joshua D. Knepfle
Group Art Unit	2756
Examiner Name	Not Yet Assigned
Attorney Docket Number	003801.P005

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
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<i>Mark Knepfle</i>	9/11/03

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Application Number	09/602,110
Filing Date	June 21, 2001
First Named Inventor	Joshua D. Knepfle
Group Art Unit	2756
Examiner Name	Not Yet Assigned
Attorney Docket Number	003801.P005

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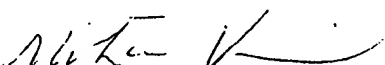
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			

OTHER DOCUMENTS

Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
MK	MARDESICH, J., "Onsale takes auction gavel electronic", <u>Computer Reseller News</u> , July 8, 1996, Page 2 continued on Page 32.	
MK	"Onsale joins fray as online shopping picks up speed: INTERNET BOOMS", <u>Computer Reseller News</u> , June 5, 1995, Page 73 (www.dialogweb.com).	
MK	SIEGMANN, Ken, "Nowhere to go but up", <u>PC Week</u> , October 23, 1995, Page 1-3, Vol. 12, No. 42 (www.dialogweb.com).	
MK	"Onsale: Onsale Brings Thrill of Auctions and Bargain Hunting Online; Unique Internet retail service debuts with week-long charity auction for the Computer Museum in Boston", May 24, 1995, (pp 3) Dialog Web. 0489267 BW0022.	

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Date
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9/11/03

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number 09/602,110
Filing Date June 21, 2001
First Named Inventor Joshua D. Kneple
Group Art Unit 2756
Examiner Name Not Yet Assigned
Attorney Docket Number 003801.P005

Sheet 5 of 9

U.S. PATENT DOCUMENTS

Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
MK	5,771,380		Tanaka, et al.	6/23/1998	10/7/1996
MK	5,771,291		Newton, et al.	6/23/1998	12/11/1995
MK	5,799,285		Klingman	8/25/1998	8/30/1996
MK	5,803,500		Mossberg	9/8/1998	3/27/1997
MK	5,845,265		Woolston	12/1/1998	11/7/1995
MK	5,872,848		Romney, et al.	2/16/1999	2/18/1997
MK	5,873,069		Reuhl, et al.	2/16/1999	10/13/1995
MK	5,884,056		Steele	3/16/1999	12/28/1995
MK	5,890,138		Godin, et al.	3/30/1999	8/26/1996
MK	5,905,974		Fraser, et al.	5/18/1999	12/13/1996
MK	5,905,975		Aussubel	5/18/1999	1/2/1997
MK	5,922,074		Richard, et al.	7/13/1999	2/28/1997

FOREIGN PATENT DOCUMENTS

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	Office or Country	Number	Date			

OTHER DOCUMENTS

Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
MK	SCHMID, B.F., "The Development of Electronic Commerce", <u>Newsletter of the Competence Centre Electronic Markets</u> , October 1993, No. 9/10.	
MK	TJOSTHEIM, I.; EIDE, J., "A case study of an on-line auction for the World Wide Web", Norwegian Computing Center, No Date Given, www.nr.no/gem/elcom/publikasjoner/enter98e.html .	
MK	GRAHAM, I., "The Emergence of Linked Fish Markets in Europe", <u>Focus Theme</u> , No Date Given.	
MK	RECK, Martin, "Trading-Process Characteristics of Electronic Auctions", <u>Focus Theme</u> , No Date Given.	

Examiner Signature: *[Signature]* Date Considered: 9/11/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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STATEMENT BY APPLICANT**

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Complete if Known

Application Number	09/602,110
Filing Date	June 21, 2001
First Named Inventor	Joshua D. Knepfle
Group Art Unit	2756
Examiner Name	Not Yet Assigned
Attorney Docket Number	003801.P005

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Sheet 6 of 9

U.S. PATENT DOCUMENTS

Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate
	Number				
NK	5,926,794		Fethe	7/20/1999	3/6/1996
NK	5,991,739		Cupps, et al.	11/23/1999	11/24/1997
NK	6,035,402		Vaeth, et al.	3/7/2000	12/20/1996
NK	6,044,363		Mori, et al.	3/28/2000	9/2/1997
NK	6,055,518		Franklin, et al.	4/25/2000	11/12/1996
NK	6,058,417		Hess, et al.	5/2/2000	10/23/1998
NK	6,073,117		Oyanagi, et al.	6/6/2000	3/13/1998
NK	6,104,815		Alcorn, et al.	8/16/2000	1/9/1998
NK	5,722,418		Bro	3/3/1998	9/30/1994
NK	5,924,072		Havens	7/13/1999	1/6/1997
NK	5,974,412		Hazelhurst, et al.	10/26/1999	9/24/1997
NK	5,596,994		Bro	1/28/1997	5/2/1994

FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS

Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
NK	VAN HECK, E.; RIBBERS, P.M., "Experiences with Electronic Auctions in the Dutch Flower Industry", <u>Focus Theme</u> , No Date Given.	
NK	LEE, H.G., "AUCNET: Electronic Intermediary for Used-car Transactions", <u>Focus Theme</u> , No Date Given.	
NK	KLEIN, S., "Introduction to Electronic Auctions", <u>Focus Theme</u> , No Date Given	
NK	TURBAN, E., "Auctions and Bidding on the Internet an Assessment", <u>Focus Theme</u> , No Date Given.	

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Application Number	09/602,110
Filing Date	June 21, 2001
First Named Inventor	Joshua D. Knepfle
Group Art Unit	2756
Examiner Name	Not Yet Assigned
Attorney Docket Number	003801.P005

Sheet	7	of	9
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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
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examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published (if known).	Translation? Yes/No
NK	ZWASS, Vladimir, "Electronic Commerce: Structures and Issues", <u>International Journal of Electronic Commerce</u> , Fall 1996, Pages 3-23, Vol, 1, No. 1, pp 3-23 (www.cba.bgsu.edu).	
NK	PRIEST, Chris; van TOL, Maarten, "Adaptive agents in a persistent shout double auction", Proceedings of the First International Conference on Information and Computation Economics, October 25-28, 1998, Charleston, US.	
NK	RESNICK, Paul; ZECKHAUSER, Richard; FRIEDMAN, Eric; KUWABARA, Ko, "Reputation Systems", Association for Computing Machinery, <u>Communications of the ACM</u> , vol. 43, no. 12, pp 45-48 (Dialog file).	
NK	MEADE, Jim, visual 360: a performance appraisal system that's "fun", <u>HR Magazine</u> , July, 1999 (Dialog file).	

Examiner Signature	
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Date Considered	9/11/03
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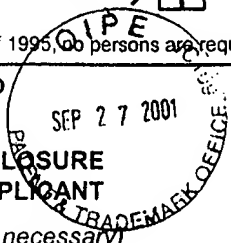
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Complete if Known

Application Number	09/602,110
Filing Date	June 21, 2001
First Named Inventor	Joshua D. Kneple
Group Art Unit	2756
Examiner Name	Not Yet Assigned
Attorney Docket Number	003801.P005

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N/K	International Search Report, PCT/US00-/17136, November 16, 2000.	

Examiner Signature		Date Considered	9/11/03
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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SEP 27 2001
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Complete if Known

Application Number	09/602,110	RECEIVED SEP 28 2001 Technology Center 2100
Filing Date	June 21, 2001	
First Named Inventor	Joshua D. Knepfle	
Group Art Unit	2756	
Examiner Name	Not Yet Assigned	
Attorney Docket Number	003801.P005	

U.S. PATENT DOCUMENTS


Examiner Initials *	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Filing Date if Appropriate

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Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
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Examiner Signature		Date Considered	9/11/03
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Substitute for Form 1449A/PTO (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>(use as many sheets as necessary)</small>				Complete if Known	
				Application Number	09/602,110
				Filing Date	June 21, 2000 #7
				First Named Inventor:	Joshua D. Knepfle, et al.
				Group Art Unit	Not yet assigned 2143
				Examiner Name	Not yet assigned Mita Kanes
				Attorney Docket Number	3801.P005
Sheet	1			1	

U.S. PATENT DOCUMENTS						
Exam. Initial*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Code ²	Kind (If known)			
M.K.		5,790,790		Smith, et al.	08-04-1998	Technology Center 2100 JUL 17 2002 RECEIVED
M.K.		5,845,265		Woolston	12-01-1998	
M.K.		6,047,264		Fisher, et al.	04-04-2000	
M.K.		6,061,448		Smith, et al.	05-09-2000	
M.K.		6,085,176		Woolston	07-04-2000	
M.K.		6,119,137		Smith, et al.	09-12-2000	
M.K.		6,178,408	B1	Copple, et al.	01-23-2001	
M.K.		6,192,407	B1	Smith, et al.	02-20-2001	
M.K.		6,202,051	B1	Woolston	03-13-2001	
M.K.		6,243,691	B1	Fisher, et al.	06-05-2001	

FOREIGN PATENT DOCUMENTS								
Exam. Initial*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ^o
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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). ⁴For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,110	06/21/2000	Joshua D. Knepple	2043.020US1	7604
21186	7590	11/21/2005		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402				
			EXAMINER SWEARINGEN, JEFFREY R	
			ART UNIT 2145	PAPER NUMBER

T_SLW07794

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PORTFOLIO I.P.
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Office Action Summary	Application No. 09/602,110	Applicant(s) KNEPFLE ET AL.	
	Examiner Jeffrey R. Swearingen	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-35 and 37-70 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6,8-35 and 37-70 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2145

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 12, 30, 33-34, 41, 53, and 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. Patent No. 5,799,285) in view of Kawamura et al. (JP Patent No. 2000-322490A).

1. In regard to claims 1, 30, 53, 69 and 70, Klingman discloses a method, system, network-based transaction system, machine-readable medium storing a sequence of instructions, and system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility for *presenting an input interface to receive a transaction description, wherein the transaction description includes a plurality of data items and wherein the input interface includes a plurality of input fields to receive the plurality of data items; and performing a verification of the transaction description as received via the input interface; at the client computer; executing the upload application automatically to compose a data file including a plurality of transaction descriptions; and uploading the set to a network-based transaction facility via a network*. Klingman collects data for auction transactions with an application that executes on the client. The data is entered and verified for accuracy, before being uploaded to the server. See Klingman, column 6, lines 1-8, lines 12-31, column 7, lines 8-19, lines 30-47, column 11, lines 13-25. Klingman failed to expressly disclose the uploading of multiple transactions at a time. However, Kawamura disclosed receiving a "number of auctioned goods from the controller", which expressly disclosed the uploading of multiple goods. Therefore it would have been obvious to one of ordinary skill in the art to process auction good uploads as taught in Kawamura with the Klingman invention for the purpose of increasing efficiency for the uploading customer. An uploading seller would prefer to submit multiple

Art Unit: 2145

items at once rather than one at a time. Batch transactions are a common efficiency increase for many computer operations.

2. In regard to claim 2, Klingman in view of Kawamura is applied as in claims 1. Klingman further discloses *presenting a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions*. [Klingman, column 6, lines 1-8, lines 12-31] By this rationale claim 2 is rejected.

3. In regard to claim 3, Klingman in view of Kawamura is applied as in claim 2. Klingman further discloses *presenting navigation indicia to facilitate navigation between the plurality of input interfaces*. Klingman states that the preferred implementation of the registration software [*plurality of input interfaces*] is in the form of a "plug-in" for Netscape Navigator. Since the plug-in is designed for Netscape Navigator, it is inherent that *navigation indicia* would be present in the registration software. By this rationale claim 3 is rejected.

4. In regard to claims 4 and 33, Klingman in view of Kawamura is applied as in claims 1 and 30. Klingman further discloses *the receiving of the transaction descriptions is performed prior to establishing a network session with the network-based transaction facility*. [Klingman, column 6, lines 26-28] By this rationale claims 4 and 33 are rejected.

5. In regard to claims 5 and 34, Klingman in view of Kawamura is applied as in claims 1 and 30. Klingman further discloses *the receiving of the transaction description includes determining whether an input template is designated for the transaction description and, if so, receiving at least one of the plurality of data items from the template into the transaction description*. [Klingman, column 8, lines 59-64] By this rationale claims 5 and 34 are rejected.

6. In regard to claims 12 and 41, Klingman in view of Kawamura is applied as in claims 1 and 30. Klingman further discloses *the upload application presents an upload interface to receive user identification information*. [Klingman, column 7, lines 30-47] By this rationale claims 12 and 41 are rejected.

7. In regard to claims 22, 24-29, 50, 52, and 62-67, Klingman in view of Kawamura is applied as in claims 1, 30 and 53. Klingman further discloses *a confirmation message that the data file has been*

Art Unit: 2145

successfully received by the network-based transaction facility [the TRY page is provided to the seller's system]; a confirmation interface listing transactions successfully received by the network-based transaction facility [the seller reviews and approves the EKOM-generated, HTML-based TRY page generated based upon the forms and/or description of the software product that the seller uploaded]; the presenting of the confirmation interface comprises presenting a location identifier to a remotely-generated interface, wherein the remotely-generated interface comprises a markup language document [the distributor's system automatically generates a web page...using HTML code...and the seller reviews and approves the...HTML-based TRY page]; wherein the confirmation interface facilitates editing of the transaction description as included in the data file received by the network-based transaction facility [if the seller is dissatisfied with the page as indicated, the seller provides additions or modifications to the product description and/or links to the product information until the seller has approved a page]; wherein the confirmation interface facilitates committing of a transaction described by the transaction description to an active state by the network-based transaction facility [upon approval of the page, the distributor's system publishes the HTML page on the web and presents the same in a directory accessible by Internet users]; and the confirmation interface facilitates a preview of a transaction posting by the network-based transaction facility based on the transaction description [the page is provided to the seller's system and the seller reviews and approves the page]. [Klingman, column 11, lines 5-25] By this rationale claims 22, 24-29, 50, 52, and 62-67 are rejected. .

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2145

9. Claims 6, 8-11, 13-15, 18-20, 31-32, 35, 37-40, 43-44, 47-49, 56 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman in view of Kawamura in further view of Carlton-Foss (U.S. Patent No. 6,647,373).

10. In regard to claims 14, 43, and 68, Klingman in view of Kawamura is applied as in claims 1, 30 and 53. Klingman fails to disclose *the transaction description describes an auction transaction*. However, Carlton-Foss discloses a system for internet reverse auctions. [Carlton-Foss, column 5, lines 18-31] It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Klingman and Carlton-Foss for the purpose of providing a secure way of selling items online. [Carlton-Foss, column 5, lines 39-49] Klingman gives motivation for the combination by stating that a *secure communications scheme is necessary to allow small sellers to compete in the marketplace on an even-playing field*. [Klingman, column 3, lines 1-6] By this rationale claims 14, 43, and 68 are rejected.

11. In regard to claims 15 and 44, Klingman in view of Kawamura in further view of Carlton-Foss is applied as in claims 14 and 43. Carlton-Foss further discloses *an auction duration specification*. [Carlton-Foss, column 6, lines 4-9, which shows a deadline for an auction.] By this rationale claims 15 and 44 are rejected.

12. In regard to claims 6 and 35, Klingman in view of Kawamura is applied as in claims 1 and 30. Klingman fails to disclose a list of the plurality of transaction descriptions. However, Carlton-Foss provides a list of the plurality of transaction descriptions. [Carlton-Foss, Figure 12a] Carlton-Foss shows such a listing for the bidder on items in an auction, but the fundamental idea is likewise applicable to the seller submitting items for auction utilizing a similar "shopping cart" type feature. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Klingman and the teachings of Carlton-Foss for the reasons and motivation previously given in the rejection for claims 14, 43 and 68. By this rationale claims 6 and 35 are rejected.

13. In regard to claims 8-11, 37-40 and 56, Klingman in view of Kawamura is applied as in claims 1, 30 and 53. Klingman fails to disclose verification of the data items in a transaction description. However,

Art Unit: 2145

Carlton-Foss discloses a requisition validator that examines the request data [auction information] received from the requestor [seller] and checks it to see if it is of the correct type and properly formatted. [Carlton-Foss, column 7, lines 32-51] It would be obvious to one of ordinary skill in the art to validate the data as shown in Carlton-Foss in the Klingman invention for the same reasons and motivation as applied in claims 14 and 43. By this rationale, claims 8-11, 37-40, and 56 are rejected.

14. In regard to claims 18-20 and 47-49, Klingman in view of Kawamura is applied as in claims 1 and 30. Klingman fails to disclose a drop-down list of categories and a data file specifying categories. However, Carlton-Foss discloses the ability to have a category dropdown menu in Figure 12b. It is inherent to such dropdown menus that a data file specifying categories would be present in order to fill the drop down menu with appropriate items for selection. It would be obvious to one of ordinary skill in the art to combine the above feature of Carlton-Foss with the Klingman invention for the same reason and motivation given in the rejection for claims 14, 43 and 68. By this rationale, claims 18-20 and 47-49 are rejected.

15. In regard to claims 23, 51, and 57, Klingman in view of Kawamura is applied as in claims 1, 30 and 53. Klingman fails to disclose detecting an error in verification and notifying the user. However, Carlton-Foss does this during operation of its requisition validator. [Carlton-Foss, column 9, lines 1-4] It would be obvious to one of ordinary skill in the art at the time of the invention to combine Klingman and Carlton-Foss for the same purpose and motivation as given in the rejection for claims 14, 43, and 68 previously. By this rationale claims 23, 51 and 57 are rejected.

16. In regard to claim 31, Klingman in view of Kawamura in further view of Carlton-Foss is applied as in claim 40. Klingman further discloses *the upload application presents a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions*. [Klingman, column 6, lines 1-8, lines 12-31] By this rationale claim 31 is rejected.

17. In regard to claim 32, Klingman in view of Kawamura in further view of Carlton-Foss is applied as in claim 31. Klingman further discloses *the upload application presents navigation indicia to facilitate navigation between the plurality of input interfaces*. Klingman states that the preferred implementation of the registration software [plurality of input interfaces] is in the form of a "plug-in" for Netscape Navigator.

Art Unit: 2145

Since the *plug-in* is designed for Netscape Navigator, it is inherent that *navigation indicia* would be present in the registration software. By this rationale claim 32 is rejected.

18. In regard to claim 13, Klingman in view of Kawamura is applied as in claim 1. Klingman fails to disclose a data and time indication for the transaction process. However, Carlton-Foss discloses adding a deadline to the auction and recording the time the request is submitted [*a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility*]. [Carlton-Foss, column 6, lines 4-9] It would be obvious to one of ordinary skill in the art to add various date and time information to an auction as disclosed in Carlton-Foss for sale on the Klingman invention. The reasons and motivation for such a combination are stated in the rejections for claims 14 and 43 previously. By this rationale claim 13 is rejected.

19. In regard to claim 54, Klingman in view of Kawamura is applied as in claim 54. Klingman fails to disclose parsing the data file to extract the plurality of transaction descriptions. However, Carlton-Foss discloses processing data from a World Wide Web interface or an interactive database user interface or a database import facility, which would be the equivalent of parsing a data file to extract information. [Carlton-Foss, column 7, lines 34-38] It would be obvious to one of ordinary skill in the art to combine the teachings of Klingman and Carlton-Foss for the same reason and motivation given in the rejection for claims 14, 43 and 68 previously. By this rationale claim 54 is rejected.

20. In regard to claim 55, Klingman in view of Kawamura is applied as in claim 1. Klingman fails to disclose verifying a user for uploading information. However, Carlton-Foss discloses such a system. [Carlton-Foss, column 8, lines 46-52] It would be obvious to one of ordinary skill in the art to combine the teachings of Klingman and Carlton-Foss for the motivation and reason given in the rejection for claims 14, 43 and 68 previously. By this rationale claim 55 is rejected.

21. In regard to claim 58, Klingman in view of Kawamura is applied as in claim 1. Klingman fails to disclose assigning a common identifier to each of the descriptions. However, Carlton-Foss states that organizational information must be entered before it is validated. [Carlton-Foss, column 7, lines 42-51] If all descriptions have the same organizational information, then they are assigned a common identifier. It would be obvious to one of ordinary skill in the art at the time of the invention to combine Klingman and

Art Unit: 2145

Carlton-Foss for the reason and motivation provided previously in the rejection for claims 14, 43 and 68.

By this rationale claim 58 is rejected.

22. In regard to claim 59, Klingman in view of Kawamura is applied as in claim 1. Klingman fails to disclose assigning a unique identifier to each of the plurality of transaction descriptions. However, Carlton-Foss discloses generating a unique identification number for a requisition that has been validated. [Carlton-Foss, column 9, lines 4-10] It would be obvious to one of ordinary skill in the art at the time of the invention to combine Klingman and Carlton-Foss for the reasons given in the rejection of claims 14, 43 and 68. By this rationale claim 59 is rejected.

23. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman in view of Kawamura in further view of DeBenedictis et al. (U.S. Patent No. 6,144,984).

24. In regard to claim 21, Klingman in view of Kawamura is applied as in claim 1. Klingman fails to disclose updating an application to the newest version. However, DeBenedictis discloses checking for a version of the application in question and updates it if necessary over the internet. [DeBenedictis, column 16, lines 28-61] It would be obvious to one of ordinary skill in the art at the time of the invention to combine Klingman with DeBenedictis in order to have the necessary software to process the data being entered. [DeBenedictis, column 16, lines 9-16] Klingman gives motivation for the combination by needing a secure communications scheme to supply products for sale through electronic media. [Klingman, column 3, lines 1-6] DeBenedictis is analogous art because it specifically teaches a communications scheme to supply products for sale through electronic media, in the form of an auction application. [DeBenedictis, column 27, line 39] By this rationale claim 21 is rejected.

25. Claims 16-17 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman in view of Kawamura in further view of May (U.S. Patent No. 6,317,727).

26. In regard to claims 16-17 and 45-46, Klingman in view of Kawamura is applied as in claims 1 and 30. Klingman fails to disclose using email to transport auction information. However, May discloses sending auction transaction information via email. [May, column 45, lines 1-7] It would be obvious to one of

Art Unit: 2145

ordinary skill in the art to combine the teachings of *Klingman* and *May* to allow a user to submit transaction information by many methods to the auction server, including email. By this rationale claims 16-17 and 45-46 are rejected.

27. Claims 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Klingman* in view of *Kawamura* in further view of *Schneider et al.* (*An Introduction to Programming and Problem Solving with Pascal*, 1982).

28. In regard to claims 60-61, *Klingman* in view of *Kawamura* is applied as in claim 53. *Klingman* fails to disclose limiting the size of a file to be processed. However, such limiting of file size during processing is a basic programming concept, as demonstrated in Figure 10-6 of *Schneider*, which shows processing a file based upon a maximum length of line and stopping at the end of that length utilizing a do-while loop. See *Schneider*, page 369. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate limits on file processing with the *Klingman* invention to prevent errors in the system, to protect system resources, and to speed processing times. By this rationale claims 60-61 are rejected.

Response to Arguments

3. Applicant's arguments with respect to claims 1-6, 8-35, and 37-70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH**

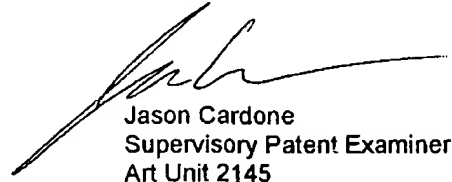
Art Unit: 2145

shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason Cardone
Supervisory Patent Examiner
Art Unit 2145

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Complete if Known

Application Number	09/602,110
Filing Date	June 21, 2000
First Named Inventor	Knepfle, Joshua
Group Art Unit	2145
Examiner Name	Swearingen, Jeffrey

Sheet 1 of 1

Attorney Docket No: 2043.020US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
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FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ³
Jr		"International Search Report PCT/US00/17136", PCT/US00/17136,	
Jr		"International Search Report PCT/US01/12398", PCT/US01/12398,	
Jr		BUSINESS WIRE, "Yahoo! Launches Three New European Auctions Services; Yahoo! Italy, Yahoo! Spain and Yahoo! Sweden Unveil New Local Auctions", Business Wire, Obtained from Proquest, Document No. 45061209, (September 23, 1999), 3 pages	
Jr		COOPER, C., et al., "Playing Catch-Up: U.S. Web Firms Get Slow Start in Europe, Amid Crowded Field --- Used to Being First and Best at Home, They Stumble in World's No. 2 Market - Pouncing on Amazon Delays", Wall Street Journal Europe, Obtained from Proquest, Document No. 46338867, (November 15, 1999), 5 pages	
Jr		POLLOCK, M., "Sold! on eBay: As antique and collectible dealers see their sales increase through online auctions such as eBay, more of them are deciding that the internet is not something to be afraid of", Sarasota Herald Tribune, Obtained from Proquest, Document No. 45499060, (October 11, 1999), 8 pages	
Jr		PR NEWswire EUROPE LTD., "Mitsubishi Venture, Wells Fargo Partner To Offer Multi-Currency E-Commerce Storefront", PR Newswire, Obtained from Proquest, Document No. 39345965, (March 1, 1999), 3 pages	
Jr		WILSON, T., "Act Globally, Think Locally", InternetWeek, Issue 789, Obtained from Proquest, Document No. 46352181, (November 15, 1999), 4 p.	

EXAMINER

DATE CONSIDERED

11/11/05

Substitute Disclosure Statement Form (PTO-1449)

EXAMINER: Initial if reference considered, whether or not citation is in compliance with MPEP 609. Draw line through citation if not in compliance and not considered. Include copy of this form with next communication to applicant. Applicant's unique class/designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

Notice of References Cited	Application/Control No. 09/602,110	Applicant(s)/Patent Under Reexamination KNEPFLE ET AL.	
	Examiner Jeffrey R. Swearingen	Art Unit 2145	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	JP 2000322490	11-2000	Japan	Kawamura et al.	G06F 19/00
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,110	06/21/2000	Joshua D. Knepfle	003801.P005	7604
8791	7590	09/02/2004		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER KIANERSI, MITRA	
			ART UNIT 2143	PAPER NUMBER

RECEIVED

SEP 07 2004

DATE MAILED: 09/02/2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELES

Please find below and/or attached an Office communication concerning this application or proceeding.

Date 12/2/2004 Client: eBay Inc.

Docket Initials DLT 3801.P005

Dock. Sup. Initials _____

Atty Initials _____ ALM LJJ

Pat/Ser/Reg 602110

3 x

Description:

Response due final OA and possible appeal

9/8/2004 Michelle Edmund 317938

Date 11/2/2004 Client: eBay Inc.

Docket Initials _____ 3801.P005

Dock. Sup. Initials _____

Atty Initials _____ ALM LJJ

Pat/Ser/Reg 602110

4

Description:

Two months since final oa was mailed

9/8/2004 Michelle Edmund 317939

Date 12/2/2004 Client: eBay Inc.

Docket Initials DLT 3801.P005

Dock. Sup. Initials _____

Atty Initials _____ ALM LJJ

Pat/Ser/Reg 602110

155

Description:

If advisory action or notice of allowance not received by today,
review file for possible filing of continuation application.

9/8/2004 Michelle Edmund 317940

Date 11/25/2004 Client: eBay Inc.

Docket Initials DLT 3801.P005

Dock. Sup. Initials _____

Atty Initials _____ ALM LJJ

Pat/Ser/Reg 602110

156

Description:

Reminder, review file for possible filing of continuation application
if advisory action or notice of allowance not received by 12/02/2004

9/8/2004 Michelle Edmund 317941

Office Action Summary	Application No. 09/602,110	Applicant(s) KNEPFLE ET AL.	
	Examiner mitra kianersi	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

Applicant's argument filed on May/24 /2004 have been fully considered, but they are not persuasive.

Regarding claim 1, a method to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the method including:
at a client computer, executing an upload application to present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items;

at the client computer, executing the upload application to perform a verification of the transaction description as received via the input interface;
at the client computer, executing the upload application automatically to compose a data file including a plurality of transaction descriptions; and
at the client computer, executing the upload application to propagate the data file from the client computer to the network-based transaction facility via a network.

Applicant on page 16, line 15 argues that Klingman discloses a Klingman, on the other hand, discloses a remote communication system for facilitating secure electronic sales of products. A seller utilizes registration software associated with a distributor to complete a form detailing seller information, such as telephone number, product description, seller's terms, and other information associated with the seller and his/her products.

The distributor may handle advertising, sale and delivery of the seller's product or merely advertise the product for the seller. In any case, Klingman's focus is on ensuring the integrity of the distributor system and seller registrations/uploads by verifying the seller's identity via a concurrent call to verify caller identification (caller m) data supplied by the telephone company against seller registration data. In addition applicant also argues that claim 1 recites at the client computer, executing the upload application to perform a verification of a transaction description as received via the input interface. Teaching the verification of the seller's identity by caller m is not equivalent to performing a verification of a transaction description.

Klingman on col 2, lines 35-54, discloses that previous inventions have addresses the problem of security of information by using direct connection over the PSTN in place of packet ("postcard") transmission over the (open) Internet and also explains prior art financial systems are based on the Transport level in the Open Systems Interconnection (OSI) seven layer architecture, while the Klingman inventions utilize financial systems coupled to the Physical layer in the OSI scheme. The resultant system makes optimal use of two networks, the switched (PSTN) network, and the packet (Internet) network, to achieve low cost product presentation (TRY) and secure product transaction (BUY) and evaluation (SCORE). Klingman also on col 3, lines 29-33 discloses that to provide a commercial transaction system for offering products for sale wherein the system employs point-to-point protocol (PPP), thereby allowing any hardware or operating system to negotiate a common information transfer protocol with dissimilar hardware

Art Unit: 2143

and operating systems software. In summary, Klingman invention is an electronic transaction communication system providing secure communications by the verification of the seller's identity, which can be interpreted as a verification of a transaction description.

Regarding dependent claims, because the arguments with respect to the allowableness of independent claims were found unpersuasive, these same arguments are not persuasive with respect to the other independent claims.

Claims 1-70 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Klingman (US Patent No. 5,799,285).

1. As to claim I, Klingman in abstract teaches the step of a method to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the method including

-at a client computer, executing an upload application to present an input interface to receive a transaction description, comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; (in fig.2 element 52, the seller writes a description of the product for the purpose of ultimately uploading the same to the distributor).

-at the client computer, executing the upload application to perform a verification of the transaction description as received via the input interface.

- at the client computer, executing the upload application automatically to compose a data file including a plurality of transaction descriptions; (Col 8, lines 40-54)

-at a client computer, executing the upload application to propagate the data file from the client computer to the network-based transaction facility via a network.(Fig.3)

2. As to claim 2 and 3, Klingman illustrates the step of a method wherein, at the client computer, the upload application presents a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions. (Fig. 2) the upload application presents navigation indicia to facilitate navigation between the pluralities of input interfaces. (Fig. 2)

3. As to claim 4 and 33, Klingman teaches the step of a method and system wherein the receiving of the transaction description and the composing of the data file are performed prior to establishing a network session between the client computer and the network-based transaction facility. (Col 6, lines 1-10), (Fig.1)

4. As to claim 5 and 34, Klingman teaches the step of a method and system the step of a method wherein the receiving of the transaction description includes determining whether an input template is designated for the transaction description and, if so, receiving at least one of the pluralities of data items from the template into the transaction description. (Col 15, lines 49-51)

5. As to claim 6 and 35, Klingman teaches the step of a method and system wherein the upload application presents a list window displaying a list of the plurality of transaction description is inherent, since the information regarding the seller's product is on the page site.

6. As to claim 8 and 37, Klingman teaches the step of a method and system wherein the upload application verifies a format of a first data item of the transaction description as received via the input interface. (Col 10, lines 49-53)

7. As to claim 9 and 38, Klingman teaches the step of a method and system wherein the upload application verifies legality of a first data item of the transaction description as received via the input interface. (Col 7, lines 1-20)

8. As to claim 10 and 39, Klingman teaches the step of a method and system wherein the upload application verifies contents of a first data item of the transaction description as received via the input interface. (Col 10, lines 53-57)

9. As to claim 11 and 40, Klingman teaches the step of a method and system wherein the contents of a first data item comprises a category indication, and the upload application determines whether the category indication is a valid category supported by the network-based transaction facility. (Col 7, lines 12-18)

10. As to claim 12 and 41, Klingman teaches the step of a method and system wherein the upload application presents an upload interface to receive user identification information. (Fig.1) and (Seller interface layer) or OSI layer

11. As to claim 13 and 42, Klingman teaches the step of a method and system wherein the upload application presents an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility. (Fig.1)

12. As to claims 14 and 43, the method of claim 1, wherein the transaction description describes an auction transaction. (sellers and buyers can conduct commercial transactions without the need for physical shelf space, col 1, lines 55-57).

13. As to claims 15 and 44, the method of claim 14, wherein the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification. (seller Name, Product Name, Seller's Tel #, Seller's Address, Seller's Password, Seller's Price of Product, Seller's Preferred Payment Plan, Seller's Product Description, Other information as appropriate, Possible Product

Graphics, Seller's Agreement to Terms, Seller's HTML Web Link, Seller's "Demo" Applets or equivalent, col 7, lines 34-47)

14. As to claim 16 and 45, Klingman teaches the step of a method wherein the upload application automatically composes the data file as an e-mail message to be communicated to an e-mail address associated with the network-based transaction facility. (Col. 13, lines 14-35)

15. As to claim 17 and 46, Klingman teaches the step of a method wherein the upload application propagates the e-mail message from the client computer to the network based transaction facility via e-mail transport protocol. (Col 13, lines 14-35)

16. As to claim 18 and 47, Klingman teaches the step of a method wherein the transaction description includes category description of a category of subject matter of a transaction specified by the transaction description and wherein the input interface presents a list of categories for user-selection and incorporation into the transaction description as the category description. (Col 4, lines 12-25)

17. As to claim 19 and 48, Klingman teaches the step of a method and system wherein the input interface presents the list of categories, as a drop-down menu is inherent, since the information regarding the seller's product is on the page site.

18. As to claim 20 and 49, Klingman teaches the step of a method and system including receiving, via the network at the client computer from the network-based transaction facility, a category data file specifying subject categories supported by the network based transaction facility. (Col 9, lines 36-63)

19. As to claim 21, Klingman teaches the step of a method and system including determining an installed version indication for the upload application at the client computer, performing a check to determine if a current version is more recent than the installed version of the upload application and, if so, presenting a user with the option of replacing the installed version of the upload application with the current version of the upload application. (Col 10, lines 47-67)

20. As to claim 22 and 50, Klingman teaches a method and system including receiving at the client computer a confirmation message that the data file has been

input interface presenting a plurality of input fields for user input

successfully received by the network-based transaction facility. (Fig. 2) and (Col 6, lines 46-60)

21. As to claim 23 and 51, Klingman teaches the step of a method and system including receiving at the client computer an error message generated by the network-based transaction facility that the data file includes at least one error. (Fig.1) and (Col 5, lines 17-30)

22. As to claim 24 and 52, Klingman teaches the step of a method and system wherein the confirmation message presents a confirmation interface listing transactions successfully received by the network-based transaction facility. (Col 10, lines 47-60)

23. As to claim 25, Klingman teaches the step of a method and system wherein the presenting of the confirmation interface comprises presenting a location identifier to a remotely-generated interface. (Col 4, lines 11-25)

24. As to claim 26 and 65, Klingman teaches the step of a method and system wherein the remotely-generated interface comprises a markup language document. (Col. 7, line 56)

25. As to claim 27, Klingman teaches a method wherein the confirmation interface facilitates editing of the transaction description as included in the data file received by the network-based transaction facility. (Col 10, lines 11-24)

26. As to claim 28, Klingman teaches the step of a method wherein the confirmation interfaces facilitates committing of a transaction described by the transaction description to an active state by the network-based transaction facility. (Col. 7, line 56)

27. As to claim 29, Klingman teaches the step of a method wherein the confirmation interface facilitates a preview of a transaction posting by the network-based transaction facility based on the transaction description. (Col 15, lines 24-59)

28. As to claim 30, Klingman in abstract teaches the step of a system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the step of system including: a communications application (Fig 2); and an upload application to present an input interface to receive a transaction description (Col 8, lines 40-54), the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items;

to perform a verification of the transaction description as received via the input interface, to compose a data file including a plurality of transaction descriptions (Fig 3); and to propagate the data file from the client computer to the network-based transaction facility via a network utilizing the communications application.

29. As to claim 31, Klingman teaches the step of a system wherein the upload application is present a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions (Col 8, lines 40-54).

30. As to claim 32, Klingman teaches the step of a system wherein the upload application is to present navigation indicia to facilitate navigation between the pluralities of input interfaces. (Fig 3)

31. As to claim 53, Klingman in abstract teaches the step of a network-based transaction system comprising: a user computer, coupled to a network, hosting an upload application to present an input interface to receive a plurality of transaction descriptions (Fig 2 and 3), each transaction description comprising a plurality of data items pertaining to a transaction facilitated by the network-based transaction facility and the input interface presenting a plurality of data fields to receive the plurality of data items; and a transaction computer system, coupled to the network, hosting a transaction application to facilitate a transaction between a buyer and seller, the transaction application to receive a data file from the uploaded location via the network, wherein the upload application receives the plurality of transaction descriptions via the input interface, composes the data file to include the plurality of transaction descriptions and performs a verification of each of the plurality of transaction description as received via the input interface, and communicates the data file to the transaction application via the network. (Fig 1 and 3)

32. As to claim 54, the step of a network-based transaction system wherein the transaction application is to parse the data file to extract the plurality of transaction descriptions from there within. (Col 7, lines 10-20)

33. As to claim 55, the step of a network-based transaction system of claim 53 wherein the upload application is to include a user identifier within the data file and the

transaction application is to verify the user identifier as identifying a user registered to participate within the network-based transaction system. (Col 11, lines 53-66)

34. As to claim 56, the step of a network-based transaction system wherein the transaction application is to verify the format of at least one of the plurality of data items included in each of the plurality of transaction descriptions. (Col 15, lines 25-59)

35. As to claim 57, Klingman teaches the step of a network-based transaction system of claim 53 wherein the transaction application is to communicate an error message to the user computer via the network if a verification operation performed by the transaction application with respect to the data file fails (Col 13, lines 14-35).

36. As to claim 58, the step of a network-based transaction system of claim 53 wherein the transaction application is to assign a common identifier to each of the plurality of transaction descriptions included within the data file. (Col 11, lines 54-66)

37. As to claim 59, the step of a network-based transaction system wherein the transaction application is to assign a unique identifier to each of the plurality of transaction descriptions included within the data file. (Col 4, lines 12-24)

38. As to claim 60, the step of a network-based transaction system wherein the transaction application is to determine whether the plurality of transaction descriptions included with the data file exceeds a predetermined number of transaction descriptions is inherent.

39. As to claim 61, the step of a network-based transaction system wherein the transaction application, if the predetermined number of transaction descriptions is exceeded, is to communicate an error message to the user computer via the network is inherent.

40. As to claim 62, the step of network-based transaction system wherein the transaction application is to communicate a confirmation message to the user computer via the network following a verification operation with respect to the plurality of transaction descriptions included within the data file (Col 10, lines 47-65).

41. As to claim 63, the step of a network-based transaction system wherein the confirmation message returns a confirmation interface listing a plurality of transactions to be facilitated by the network-based transaction system. (Col 7, lines 1-20)
42. As to claim 64, the step of a network-based transaction system wherein the confirmation message includes a location identifier indicating a remote location from which the confirmation interfaces may be retrieved. (Col 7, lines 1-20)
43. As to claim 66, the step of a network-based transaction system wherein the transaction application is to assign the plurality of transaction descriptions to a wait condition pending confirmation of the plurality of transaction descriptions by a user responsive to the confirmation message. (Col 16, lines 22-40)
44. As to claim 67, the step of a network-based transaction system wherein the transaction application initiates a plurality of transaction processes responsive to the confirmation of the plurality of transaction descriptions by the user. (Col 16, lines 29)
45. As to claim 68, the step of a network-based transaction system wherein each of the plurality of transaction descriptions describes an auction transaction and the transaction application is to facilitate a plurality of network-based auction processes of respective subject matters described in each of the transaction descriptions. (Fig 1, 2 and 3)
46. As to claim 69, Klingman in abstract teaches the step of a machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine (Fig 2) to present an input interface to receive a transaction description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; (Fig 3) automatically compose a data file including a plurality of transaction descriptions; and propagate the data file from the client computer to the network-based transaction facility via a network. (Fig. 3)
47. As to claim 70, Klingman in abstract teaches the step of a system to facilitate uploading of a plurality of transaction descriptions to a network-based transaction facility, the system including: (Fig 2) communications means for communicating a data file; and collection means for presenting an input interface to receive a transaction

description, the transaction description comprising a plurality of data items and the input interface presenting a plurality of input fields to receive the plurality of data items; for composing a data file including a plurality of transaction descriptions; and for propagating the data file from the client computer to the network-based transaction facility via a network utilizing the communications means (Fig 1, 2 and 3).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (703) 305-4650. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Mitra Kianersi
Aug/25/2004


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Notice of References Cited	Application/Control No. 09602110	Applicant(s)/Patent Under Reexamination NARAYANASWAMI, CHANDRASEK	
	Examiner mitra kiansersi	Art Unit 2143	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,799,285	08-1998	Klingman, Edwin E.	705/26
	B	US-6,574,239	06-2003	Dowling et al.	370/469
	C	US-5,909,544	06-1999	Anderson et al.	709/208
	D	US-20030018885	01-2003	landsman et al.	709/218
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,110	06/21/2000	Joshua D. Knepfle	2043.020US1	7604

21186 7590 03/08/2006

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 03/08/2006

T_SLW08983

EBY00033

Please find below and/or attached an Office communication concerning this application or proceeding.

PORTFOLIO IP

MAR 1 5 2006

RECEIVED

Schwegman, Lundberg,
Woessner & Kluth, P.A.

MAR 1 3 2006

RECEIVED

Office Action Summary	Application No.	Applicant(s)	
	09/602,110	KNEPFLE ET AL.	
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
2) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-35 and 37-70 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 8-35 and 37-70 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20060125</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2145

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Objections

2. Claim 31 is objected to because of the following informalities: Claim 31 appears to be dependent upon claim 30, and not claim 40. For purposes of compact prosecution claim 31 is being treated as dependent upon claim 30. Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-13, 16-17, 22-35, 37-42, 45-46, 50-59, 62-67 and 69-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al. (U.S. Patent No. 6,336,105 B1).

5. In regard to claims 1, 30, 53, and 69-70, Conklin disclosed *generating a set of multiple transaction descriptions, wherein each of the transaction descriptions describes a transaction listing, the generating including, presenting an input interface to receive a transaction description, wherein the transaction description includes a plurality of data items, and wherein the input interface includes a plurality of input fields to receive the plurality of data items; and performing a verification of the transaction description as received via the input interface; and uploading the set to a network-based transaction facility via a network.* Conklin disclosed the submission of a catalog (a set of multiple transaction

Art Unit: 2145

descriptions, where the transaction description includes a plurality of data items) to an Internet site. See Figure 32. See column 20 lines 6-8. See column 27 line 49 – column 28 line 6.

6. In regard to claims 2 and 31, Conklin disclosed *presenting a plurality of input interfaces to receive respective transaction descriptions of the plurality of transaction descriptions*. See figures 10-1 – 10-3, 15a-15c2, 16, 30-32.

7. In regard to claims 3 and 32, Conklin disclosed *presenting navigation indicia to facilitate navigation between the plurality of input interfaces*. See Figures 30-32.

8. In regard to claims 4 and 33, Conklin disclosed *the receiving of the transaction descriptions is performed prior to establishing a network session with the network-based transaction facility*. Column 28, lines 1-6 allow the Website to be previewed by the seller before the system is enabled for active status. Enabling the seller for active status is *establishing a network session with the network-based transaction facility*.

9. In regard to claims 5 and 34, Conklin disclosed *determining whether an input template is designated for the transaction description and, if so, receiving at least one of the plurality of data items from the template into the transaction description*. Column 27, lines 53-55.

10. In regard to claims 6 and 35, Conklin disclosed *presenting a list window displaying the set of multiple transaction descriptions*. See Figure 32.

11. In regard to claims 8 and 37, Conklin disclosed *verifying a format of a first data item of the transaction description as received via the input interface*. See column 27, line 49 – column 28, line 6. The user submitting the catalog is allowed to preview the submission. See Figure 32.

12. In regard to claims 9 and 38, Conklin disclosed *verifying legality of a first data item of the transaction description as received via the input interface*. See column 27, line 49 – column 28, line 6. The user submitting the catalog is allowed to preview the submission. See Figure 32. The previewing is *verifying legality of a first data item*.

13. In regard to claims 10 and 39, Conklin disclosed *verifying contents of a first data item of the transaction description as received via the input interface*. See column 27, line 49 – column 28, line 6. The user submitting the catalog is allowed to preview the submission. See Figure 32.

Art Unit: 2145

14. In regard to claims 11 and 40, Conklin disclosed *the contents of a first data item includes a category indication, and wherein the performing of the verification further includes determining whether the category indication is a valid category supported by the network-based transaction facility*. Figure 32 clearly showed the use of product names, or a *category indication*. The ability to verify the submission is *determining whether the category indication is a valid category supported by the network-based transaction facility*.

15. In regard to claims 12 and 41, Conklin disclosed *presenting an upload interface to receive user identification information*. See figure 31d.

16. In regard to claims 13 and 42, Conklin disclosed *presenting an upload interface to receive a date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility*. Figure 32 presents an upload interface with a submit button to activate the transaction. The date and time of this process is stored in Conklin as illustrated in figure 23. The submission of the transaction to the network is the receipt of a *date and time indication at which a transaction process associated with the transaction description becomes active on the network-based transaction facility*.

17. In regard to claims 16-17 and 45-46, Conklin disclosed *composing an email message that includes the set of multiple transaction descriptions, the email message to be communicated to an email address with the network based transaction facility via an email transport protocol*. See Figure 23.

18. In regard to claims 22 and 50, Conklin disclosed *receiving a confirmation message that the set of multiple transaction descriptions has been successfully received by the network-based transaction facility*. This was inherent to column 28, lines 1-6 of Conklin, as further supported by figure 23.

19. In regard to claims 23 and 51, Conklin disclosed *receiving an error message generated by the network-based transaction facility that the set of multiple transaction descriptions includes at least one error*. As shown in figure 32, the user must verify fields in red. The fields in red indicated errors in the transaction description.

20. In regard to claims 24 and 52, Conklin disclosed *presenting a confirmation interface listing transactions successfully received by the network-based transaction facility*. See figure 23.

Art Unit: 2145

21. In regard to claim 25, Conklin disclosed *presenting a location identifier to a remotely-generated interface*. The confirmation message in figure 23 stated that the MVNsystem was the recipient of the data, or *presented a location identifier (MVNsystem) to a remotely-generated interface*.

22. In regard to claim 26 and 65, the message presented by Conklin was a *markup language document*. Figure 23.

23. In regard to claim 27, Conklin disclosed *the confirmation interface facilitates editing of the transaction description as included in the set of multiple transaction descriptions received by the network-based transaction facility*. See column 27, line 49 – column 28, line 6. The user submitting the catalog is allowed to preview the submission. See Figure 32.

24. In regard to claim 28, Conklin disclosed *the confirmation interface facilitates committing of a transaction described by the transaction description to an active state by the network-based transaction facility*. See column 27, line 49 – column 28, line 6. The user submitting the catalog is allowed to preview the submission. See Figure 32.

25. In regard to claim 29, Conklin disclosed *facilitating a preview of a transaction posting by the network-based transaction facility based on the transaction description*. See column 27, line 49 – column 28, line 6. The user submitting the catalog is allowed to preview the submission. See Figure 32.

26. In regard to claim 54, Conklin inherently received the information by *parsing the data file to extract the plurality of transaction descriptions from there within* after data transfer of the information.

27. In regard to claim 55, the use of user authentication is inherent to Conklin in order to allow the seller to access the system and update orders and catalog details.

28. In regard to claim 56, Conklin disclosed *the transaction application is to verify a format of at least one of the plurality of data items included in each of the plurality of transaction descriptions*. See column 27, line 49 – column 28, line 6. The user submitting the catalog is allowed to preview the submission. See Figure 32. The previewing is the verification of the format.

29. In regard to claim 57, Conklin disclosed *the transaction application is to communicate an error message to the user computer via the network if a verification operation performed by the transaction*

Art Unit: 2145

application with respect to the data file fails. As shown in figure 32, the user must verify fields in red. The fields in red indicated errors in the transaction description.

30. In regard to claim 58, Conklin disclosed *the transaction application is to assign a common identifier to each of the plurality of transaction descriptions included within the data file. The seller in Conklin was inherently related to each of the transactions, using a common identifier.*

31. In regard to claim 59, Conklin disclosed *the transaction application is to assign a unique identifier to each of the plurality of transaction descriptions included within the data file. The catalog number in figure 32 "must be unique".*

32. In regard to claim 62, Conklin disclosed *communicating a confirmation message to the user computer via the network following a verification operation with respect to the plurality of transaction descriptions included within the data file. See Figure 23.*

33. In regard to claim 63, Conklin disclosed *returning a confirmation interface listing a plurality of transactions to be facilitated by the network-based transaction system. See Figure 23.*

34. In regard to claim 64, Conklin disclosed *the confirmation message includes a location identifier indicating a remote location from which the confirmation interface may be retrieved. The confirmation message in figure 23 stated that the MVNsystem was the recipient of the data, or included a location identifier (MVNsystem) indicating a remote location (MVNsystem) from which the confirmation interface may be retrieved.*

35. In regard to claim 66, Conklin disclosed *the transaction application is to assign the plurality of transaction descriptions to a wait condition pending confirmation of the plurality of transaction descriptions by a user responsive to the confirmation message. Conklin disclosed the submission of a catalog (a set of multiple transaction descriptions, where the transaction description includes a plurality of data items) to an Internet site. See Figure 32. See column 20 lines 6-8. See column 27 line 49 – column 28 line 6. Column 28, lines 1-6 allow the Website to be previewed by the seller before the system is enabled for active status.*

36. In regard to claim 67, Conklin disclosed *the transaction application initiates a plurality of transaction processes responsive to the confirmation of the plurality of transaction descriptions by the*

Art Unit: 2145

user. See column 20 lines 6-8. See column 27 line 49 – column 28 line 6. Column 28, lines 1-6 allow the Website to be previewed by the seller before the system is enabled for active status.

Claim Rejections - 35 USC § 103

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. Claims 14-15, 43-44 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin in view of Godin et al. (U.S. Patent No. 5,890,138).

39. In regard to claims 14, 43, and 68, Conklin failed to disclose an Internet auction system. Conklin was designed for electronic bargaining, which enabled buyers and sellers to enter negotiation for purchase of items. Conklin, column 13, line 58 – column 14, line 14. Godin, in the same field of endeavor, disclosed a computer system that allowed a user over the Internet to participate in an auctioning system with product information. Godin, Figure 10. Godin, column 2. Conklin was an improvement on prior auction systems, as supported by Conklin, column 13. Because Conklin was an improvement over prior auction systems, and because Godin disclosed an auction system, it would have been obvious to one of ordinary skill in the art to combine the teachings of Conklin with Godin to allow for a broader range of business transactions to take place over a computer system, thus ensuring commercial success.

40. In regard to claims 15 and 44, Godin disclosed *the plurality of data items associated with the transaction description include any one of a group including a subject matter description, a graphic, a category description, an accepted payment description, a shipping description, a subject matter quantity description, a minimum bid specification, an auction duration specification, a reserve price specification, and a visual enhancement specification.* Godin, column 3, lines 21-53.

Art Unit: 2145

41. Claims 18-21, 47-49, and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin.

42. In regard to claims 18-19 and 47-48, Conklin disclosed a system that received information from users about items to be sold. See Figures 31b and 32. Conklin failed to disclose using a drop down menu to allow a user to select data to fill certain fields. However, Official Notice is taken that drop-down menus to allow selection of data have been in use for decades in the field of computing. It would have been obvious to one of ordinary skill in the art to use a drop-down menu system with Conklin to ensure data integrity in Conklin's database, allow for accurate searching by users of Conklin, and provide easier submission of data by Conklin's sellers.

43. In regard to claims 20 and 49, Conklin disclosed a system that received information from users about items to be sold. See Figures 31b and 32. Conklin failed to disclose transmitting available categories to a user before selection. As in the rejection of claims 18-19 and 47-48, Official Notice is taken that methods such as drop-down menus to allow selection of data have been in use for decades in the field of computing. The transmission of the contents of the drop-down menu was the transmission of *a category data file specifying subject categories supported by the network-based transaction facility*. It would have been obvious to one of ordinary skill in the art to use a drop-down menu system with Conklin to ensure data integrity in Conklin's database, allow for accurate searching by users of Conklin, and provide easier submission of data by Conklin's sellers.

44. In regard to claim 21, Conklin failed to disclose checking to see if the program being used was the most recent version and allowing an update to proceed. However, Official Notice is taken that such a process for software updates was well known in the networking art at the time of the invention, including for programs such as operating systems, web browsers, plug-in applications, and device drivers. Therefore it would have been obvious to one of ordinary skill in the art to check and download the most updated version of software to allow for system compatibility.

45. In regard to claims 60-61, Conklin disclosed receiving network data transaction, but failed to disclose a limit on the number of data transactions and sending an error message if the user surpassed that limit. A limit on the number of data transactions would have been obvious to one of ordinary skill in

Art Unit: 2145

the art to prevent users taking advantage of the upload capability of Conklin, prevent denial of service attacks, and prevent system data overflow. An error message would have been inherent to a limit on the number of data transactions.

Conclusion

46. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

47. Shell U.S. Patent No. 6,134,533

48. Shavit et al. U.S. Patent No. 4,799,156

49. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

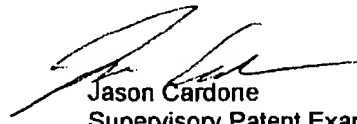
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

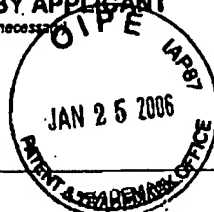


Jason Cardone
Supervisory Patent Examiner
Art Unit 2145

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Complete if Known

Application Number	09/602,110
Filing Date	June 21, 2000
First Named Inventor	Knepfle, Joshua
Group Art Unit	2145
Examiner Name	Swearingen, Jeffrey

Sheet 1 of 1

Attorney Docket No: 2043.020US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date if Appropriate
JES	US-2005/0240392A1	10/27/2005	Munro, W.B. J., et al.	04/23/2004
JM	US-5,497,319	03/05/1996	Chong, L. K., et al.	09/26/1994
JJ	US-5,652,896	07/29/1997	Yamauchi, S., et al.	05/26/1995
JW	US-5,778,213	07/07/1998	Shakib, D. A., et al.	07/12/1996
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JW	US-6,463,404	10/08/2002	Appleby, S. C.	11/02/1998
JW	US-6,857,022	02/15/2005	Scanlan, P. L.	09/29/2000

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T*
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OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T*
JW		"Mediappraise Receives National Award For Web-based Technology That Enables Companies To Solve Thorny HR Problem", <u>Business Wire Press Release</u> , (Dec. 15, 1998),1-2	
JW		"Yahoo! Auctions Celebrates One-Year Anniversary; As Online Auction Usage Continues to Grow, Yahoo! Is Quickly Becoming the World Marketplace of the New Millennium", <u>Business Wire</u> , (Sept. 14, 1999),3 pages	
JW		AKIN, DAVID, "Web retailing gains market muscle as concerns fade: Record season: Increasing number of sites catering for Canadian dollars", <u>Financial Post</u> , p04, (12/26/98),3 pages	
JW		BUSINESS WIRE, "Subasta.com, the Premier Online Auction Board for Latin America, Spain, and the Hispanic Sector of the U.S., Has Attracted Over 60,000 Viewers in Less Than Two Months!", <u>Business Wire</u> , (7/16/99),2 pages	
JW		M2 PRESSWIRE, "HP completes online strategy with launch of e-commerce site", <u>Proquest#43225990</u> , (June 29, 1999),3	
JW		M2 PRESSWIRE, "UNITED TECHNOLOGIES: UTC's Carrier Corp. teams with FreeMarkets to create largest Asian-based B2B online auction market to date; UTC Division identifies average annual savings of more than 16 percent on electric motors through FreeMarkets B2B eMarketpla", <u>M2 Presswire</u> , (March 22, 2000),2 pages	
JW		MERRILL, KEVIN, "GE Capital to extend integrator buying spree. (GE Capital Technology", <u>Computer Reseller News</u> , n691, (July 8, 1996),2(1)	

EXAMINER

DATE CONSIDERED

3/4/06

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

Notice of References Cited	Application/Control No. 09/602,110	Applicant(s)/Patent Under Reexamination KNEPFLE ET AL.	
	Examiner Jeffrey R. Swearingen	Art Unit 2145	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,336,105	01-2002	Conklin et al.	705/80
*	B	US-5,890,138	03-1999	Godin et al.	705/26
*	C	US-6,134,533	10-2000	Shell, Allyn M.	705/26
*	D	US-4,799,156	01-1989	Shavit et al.	705/26
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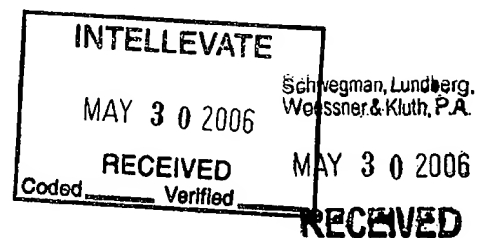
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09/602,110	06/21/2000	Joshua D. Kneple	2043.020US1	7604
21186	7590	05/26/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			SWEARINGEN, JEFFREY R	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/602,110

Applicant(s)

KNEPFLE ET AL.

Examiner

Jeffrey R. Swearingen

Art Unit

2145

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6, 8-35 and 37-70.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


JASON CARDONE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive.

Applicant argued Conklin failed to disclose generation of a set of multiple transactions. The transactions included presenting an input interface to receive a transaction description, for entering data to be uploaded to an online website. The generating a set of multiple transaction descriptions was the creation of the website in Conklin. The uploading of the catalog was accomplished through the input interface in column 20, and was verified and uploaded. This exactly fulfills Applicant's claim language as submitted.

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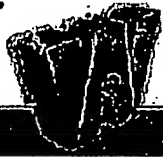
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- [Exclusive Features](#)
- [Collectors Beat](#)
- [Viewpoint](#)
- [Tips & Tactics](#)
- [Business Center](#)
- [Auction Education](#)
- [Auction Site Ratings](#)
- [Auction Site Site Metrics](#)
- [Auction Site Site Fees](#)

Site Services

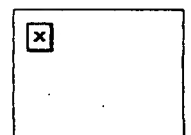
- [Buyer Services](#)
- [Seller Services](#)
- [User Agreement](#)
- [Register at AuctionWatch](#)
- [Old Counter System](#)
- [Old Image Hosting System](#)
- [Site Search](#)
- [Special Offers](#)
- [Announcements](#)
- [Account Preferences](#)
- [Webmail](#)
- [Help](#)

Universal Registration

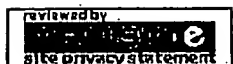
- [FAQ](#)
- [Register New Accounts](#)
- [Store Existing Accounts](#)

Universal Search

- [Power Search](#)
- [Business to Business](#)
- [Seller/Auction ID#](#)
- [Other Sites](#)
- [Auction Site Directory](#)



- [Browser Buttons](#)
- [Search Tips](#)



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HOME

AUCTION
MANAGERUNIVERSAL
SEARCHAPPRAISALS
& GALLERYMESSAGE
CENTERNEWS &
INFORMATIONUNIVERSAL
REGISTRATIONMY
ACCOUNT

Control Panel | Create Auction | Inventory | Customers | Track Auction | Image Hosting | Counters | Auction Manager Pro

[Log In](#) | [Join Now](#) | [Webmail](#) | [Help](#)

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[Advanced Search](#)

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[Shipping Tools](#)[Payment Services](#)[Insurance Options](#)[Getting Started](#)[FAQ](#)

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Sellers



Post Sale Management - Free for a limited time

Save time and sell more with AuctionWatch.com's professional **Post Sale Management** service. Below is a quick summary of what you can do with this valuable new service:

- Send a pre-set, customizable message to winning bidders that contains all of your shipping and payment instructions.
- Automatically collect the winning bidder's response to your notification, and track when each bidder has responded.
- Easily print professional packing slips and invoices for each auction.
- Access AuctionWatch.com's strategic partners, which provide shipment tracking, online postage, electronic payment acceptance, and shipping insurance.
- Send a pre-set, customizable shipping notification to the buyer of your goods.
- Send feedback to the winning bidder with one-click.
- Track all previous post-sale activity in one central place.

[Click here](#) for a additional information on how to used the Post Sale Management Tool.

Inventory Management

Great for power sellers and businesses that sell similar items on a regular basis. Enter your item once, and it's ready to launch on eBay, Amazon Auctions and Yahoo! Auctions multiple-times. The AW Inventory Management system allows you to create and organize thousands of items.

- Select 'Add New Item' button to import an inventory item.
- Use the 'Action Panel' to preview, launch, or schedule items for auction. You can also organize items in folders by using the 'move' command.
- Use the 'Display Option' tool to find inventory items by keyword or folder. A summary of the items displayed is shown in the upper right hand corner of the page.

Customer Management - Free for a limited time

Generate incredible leads right now with our Customer Management tool. AuctionWatch.com will automatically collect and store invaluable contact information of everyone who places a bid on your auctions. Keep these customers apprised of new auctions that will interest them. You can also provide losing bidders with another chance to bid on that item they lost.

- Import all bidders through Auction Manager to Customer Management.
- Build a database of users from auctions in the past 30 days by clicking 'import.' Check the box next to closed auctions and use the Action Panel to import those bidders that you're interested in contacting in the future.
- Email groups of customers by checking boxes in your sorted list and selecting the 'email' command from the Action Panel. You will be then be able to craft and send a personalized email to the selected list.
- Focus the search of your customer base by clicking 'advanced options.' Sort by auction price, customer name, closing date, winning/losing bidder, and more.

[Click here](#) for a additional information on how to used the Customer Management Tool.

Create Auction

Build an eye-catching auction ad and list it to one of three major auction sites (Amazon Auctions, eBay, and Yahoo! Auctions). List your auction using Auction Manager and it will be featured in Universal Search. [More >>](#)

- Choose to list on Amazon Auctions, eBay, or Yahoo! Auctions.
- Enter title, description, template style, images, and counter preferences.
- Enter site specific information and choose to launch the auction now or schedule the launch at a time of your choice.

Control Panel

Manage all of your auction activity from one place.

- You will see the time remaining, number of counter hits, current price, and highest bidder for all Active Auctions you have launched.
- View all of the auctions that you've scheduled for launch in Pending Auctions.
- Use the Closed Auctions section to keep track of your closed auctions and communicate efficiently with winning bidders. Auction Manager supports relisting of auctions that did not receive a bid.

Auction Manager Pro

Launch hundreds of auctions simultaneously with this downloadable bulk lister and auction management tool. Within minutes of downloading this free Auction Management software, you can begin selling your items to millions of potential customers. Auction Manager Pro gives you free image hosting, unique counter styles, and professional templates that simplify the auction creation process.

- Download Auction Manager Pro from <http://web.archive.org/web/20000815053415/http://www.auctionwatch.com/my/client/>
- Enter your AW user name and password and quickly download your online images and preferences
- Begin creating "Batches" of listings that you can upload to eBay, Amazon Auctions, and Yahoo!
- Monitor your auction activity online using Auction Manager

Auction Toolkit

Located in the left hand side of Auction Manager pages, the toolkit will provide you with the services you need to make your auction life easier.

- **Shipping Tools** allow you to buy stamps online, price shipping options, track the status of a package, and effortlessly communicate anticipated shipping costs to potential buyers.
- **Payment services** will give you access to our partner payment services, which enable efficient transfer of funds for buyers and sellers.
- **Insurance Options** provide you access to our insurance partners, which offer insurance services at a discount of up to 80%.

Buyers**Track Auction**

Import auctions that interest you.

Universal Search

find auctions for a particular item across over 300 sites.

Control Panel

Oversee all of your bidding activity from one location.

- Monitor all of the auctions you have imported in the **Active Auctions** section.
- Your tracked auctions will automatically roll into your **Closed Auctions** view when each auction ends. Use this tool to monitor pricing trends and efficiently communicate with sellers of auctions you have won.

For an introduction to online auctions, for both buyers and sellers, read the latest edition of AuctionWatch.com's "**Beginners Guide to Online Auctions**"



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ACCOUNT

Universal Search

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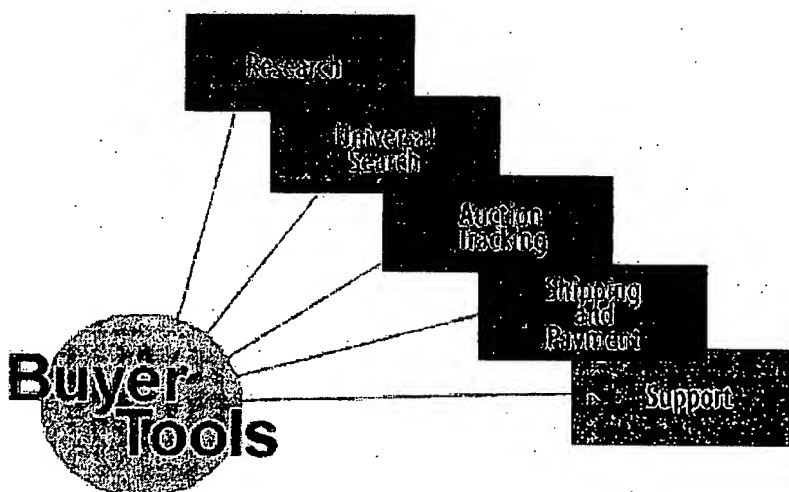
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find it
track it
win it

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AuctionWatch.com searches hundreds of auction sites with one of the fastest engines on the Internet. AuctionWatch.com's Auction Manager allows you to monitor the status of any auction, enables you to coordinate shipping, and even helps you pay electronically for any item you purchase.



Features and Benefits

Research

- Use our comprehensive directory to review hundreds of auction sites
- Search the extensive library of content and tips for bidders

Universal Search

- Search hundreds of traditional and B2B auction sites by keyword or category
- Universally Register for all of the major auction sites simultaneously to start bidding faster
- Comparison shop by viewing the active auctions from hundreds of auction sites with one search

Auction Tracking

- Use Auction Manager to track auctions that you are interested in and monitor bidding activity

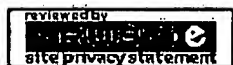
Shipping and Payment

- Use one of AuctionWatch.com's electronic payment partners and to buy your item without the hassle of checks or money orders
- Use one of AuctionWatch.com's shipping partners to calculate shipping charges, insure your

purchase, and track delivery status

Support

- E-mail questions and comments to our Customer Care support team
- Access the industry's most active independent message boards
- Read auction industry news and original content that is published daily



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HOME

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MANAGERUNIVERSAL
SEARCHAPPRAISALS
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There are hundreds of online auction sites out there. We've brought them all together to one place. AuctionWatch.com makes navigating through the world of online auctions fast and easy. With the fastest auction search engine on the web, useful information, tracking services, and member support, you'll agree that AuctionWatch.com is the best place to go when bidding on the Web.

Auction information

[Beginner's guide](#) - Learn everything you need to become an auction expert.

[Auction news](#) - Stay ahead of the game with daily original articles highlighting the world of online auctions.

[Auction site reviews](#) - Shop the right site by reading hundreds of reviews on all the major auctions sites with side-by-side comparisons. [show me](#)

Universal search and registration

[Search](#) - Find exactly what you are looking for by searching over a hundred traditional and B2B auction sites with the fastest auction engine on the web. [show me](#)

[One-click registration](#) - Sign-up for all the major auctions sites with just one registration form. [show me](#)

Auction tracking

Track your bids - Watch multiple auctions of your choice from different sites on one page. [show me](#)

Compare active auctions - Discover how watching other auctions help you bid smarter

Post auction services

[Payment](#) - Pay for your items fast without checks, money orders, or hassles, and get your items faster.


[Shipping](#) - Price, insure, track, and receive your items safely.

Support

[Help index](#) - Get the answers you need quickly.

[Message board](#) - Chat with other auction enthusiasts on the most active board of its kind. [show me](#)

[Email support](#) - Fire off a question or comment, and our experts will get to you as soon as possible.

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& GALLERYMESSAGE
CENTERNEWS &
INFORMATIONUNIVERSAL
REGISTRATIONMY
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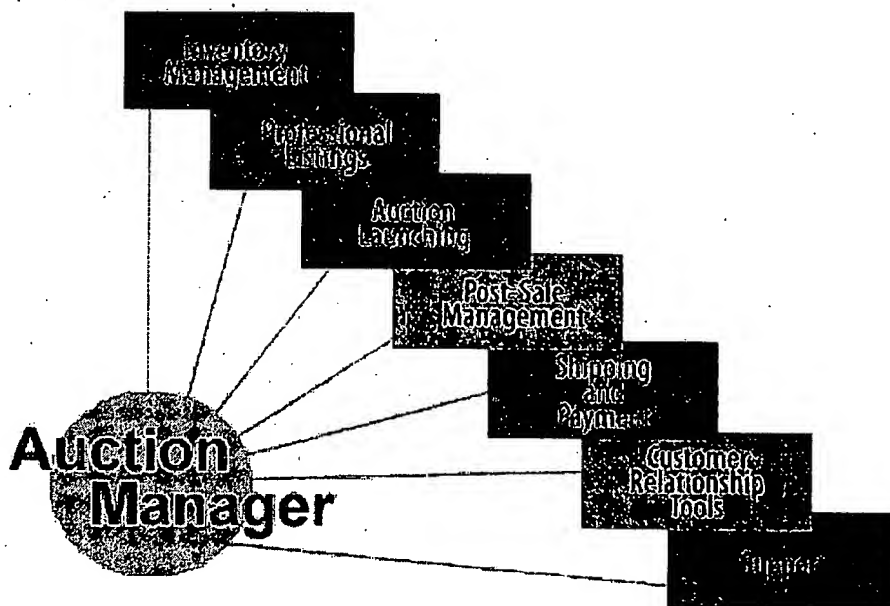
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SELLER SERVICES



save time
sell more
increase profits

AuctionWatch.com's Auction Manager is widely recognized as the most efficient tool for selling items at auction sites across the Internet. Auction Manager is a complete selling solution that automates every aspect of the auction process. Auction Manager helps you save time, sell more, and increase profits!



Features and Benefits

Inventory Management

- Organize and track the items you have in stock (Coming Soon)
- Develop a database of re-usable listings and images (Coming Soon)
- Upload inventory and images in bulk using Auction Manager Pro

Professional Listings

- Showcase your items with easy-to-use templates
- Attach counters to monitor traffic to your listings
- Use AuctionWatch.com's free image hosting service
- Launch auctions that are featured in AuctionWatch.com's Universal Search

Auction Launching

*2 []
*5 []

- Universally Register for all of the major auction sites simultaneously
- Post auctions to multiple sites including Amazon.com Auctions, eBay, and Yahoo! Auctions
- Automate your auction launch start times using convenient scheduling feature
- Track and manage all of your auctions across the Internet from one convenient location
- Re-list your auctions with One-click

Post-Sale Management

- Create a Free AuctionWatch.com e-mail account to manage auction correspondence
- Automate your winning bidder notification, invoicing, and feedback (coming soon)

Shipping and Payment

- Receive payment faster without the hassle of checks or money orders by using one of AuctionWatch.com's electronic payment partners
- Calculate shipping charges, mail items, and track package delivery using one of AuctionWatch.com's shipping partners

*7 []

Customer Relationship Tools

- Build a customer database (coming soon)
- Send tailored e-mails to selected segments of your customer base (coming soon)

Support

- E-mail questions and comments to our Customer Care support team
- Access the industry's most active independent message boards
- Read auction industry news and original content that is published daily



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12



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HOME

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MANAGERUNIVERSAL
SEARCHAPPRAISALS
& GALLERYMESSAGE
CENTERNEWS &
INFORMATIONUNIVERSAL
REGISTRATIONMY
ACCOUNT
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Buying & Selling
at Online
Auction"

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Millions of customers are out there waiting to buy, but how do you find them when they are all at hundreds of different auction sites? AuctionWatch.com brings them together to you and gives you the auction management tools you need to sell effectively and increase profits. Take control of your auctions by listing your items through AuctionWatch.com.

Inventory Management

[Organize stock](#) - Keep track of your inventory. [show me](#)

[Build relisting database](#) - Store your reusable listing data.

Universal Auction Management

[Multiple site posting](#) - List items on all of the major auction sites from one place.

[Bulk uploading](#) - List multiple items with our free software: Auction Manager Pro. [show me](#)

[Relist items](#) - Post reusable listings and images without reentering data each time.

[Showcase items](#) - Make your listings look their best with our easy-to-use templates. [show me](#)

[Live auction tracking](#) - See all of your listings and their status in one place. [show me](#)

[Monitor traffic](#) - Attach counters to your listings to see how many buyers are viewing your auction.

[Upload images](#) - Allow us to host your images by easily uploading them from your computer. [show me](#)

Customer Management

[Build database](#) - Create an invaluable list of customers who have bid (winners and losers) for future marketing campaigns. [show me](#)

[Appraise Customers](#) - Save time by automating the email messages to your customers.

Post Sale Management

[Post Sale Management Tool](#) - Save time and sell more with this 9-step checklist.

Communicate with winning bidders, access AuctionWatch.com's postage, payment, and shipping services, and track all previous post-sale activity in one place. [show me](#)

[Payment](#) - Receive payments instantly at any auction site. Safely accept electronic checks and credit cards and enjoy access to your money immediately.


[Shipping](#) - Price, insure, send, and track your items safely.

Support

[Help index](#) - Get the answers you need quickly.

[Message board](#) - Interact with others on the most active board of its kind. [show me](#)

[Email support](#) - Send us a question or comment, and our experts will get to you as soon as possible.

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HOME

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SEARCHAPPRAISALS
& GALLERYMESSAGE
CENTERNEWS &
INFORMATIONUNIVERSAL
REGISTRATIONMY
ACCOUNT

Universal Search

 GO

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HELP | main index**Information For Beginners**

- [Beginner's Guide to Online Auctions](#)
- [About AuctionWatch.com](#)
- [Online Auctions](#)
- [Auction Formats](#)
- [Auction Buyers](#)
- [Auction Sellers](#)
- [Auction Fraud](#)
- [Auction Manager Pro](#)
- [Glossary](#)

Post-Sale Management Tool

- [Winning Bidder Notification \(WBN\)](#)
- [WBN Response Received](#)
- [Payment Received](#)
- [Postage / Address Printed](#)
- [Item Shipped](#)
- [Shipment Status Sent to Buyer](#)
- [Feedback Sent](#)
- [Shipment Arrived](#)
- [Feedback Received](#)

Appraisals FAQ

- [Appraisal categories](#)
- [Appraisal Fees](#)
- [Sell appraisal items](#)
- [Anonymity](#)
- [Confidentiality](#)
- [AW Appraisal Gallery?](#)
- [Shared Access](#)

Auction Manager FAQ

- [Auction Manager vs. old image hosting / counters](#)
- [Launch a new auction](#)
- [Track auctions](#)
- [Auction ID number](#)
- [Shipping Tools](#)
- [Auction ID and password security](#)
- [Free auction management](#)
- [Auction sites supported by Auction Manager](#)

Counters FAQ

- [Missing counter](#)
- [Stuck counter](#)
- [Reset counter](#)
- [Add description to counter](#)
- [Counter history](#)
- [Access entire counter list](#)
- [Attach counters without image hosting](#)
- [Free counters](#)
- [General counter help](#)

Image Hosting FAQ

- [Upload Images - PC](#)
- [Upload Images - Mac](#)
- [Upload Images - WebTV](#)
- [Attach images to auction](#)
- [Resize images](#)
- [Red x or broken image icon](#)
- [File formats & system compatibility](#)
- [Best file format](#)
- [Can't find "browse" buttons](#)
- [Large images](#)
- [Browser times out during upload](#)
- [Missing image](#)
- [Upload errors](#)
- [Clear the browser's cache](#)
- [Copy & Paste](#)
- [Missing picture icon](#)
- [Jpg vs. gif formats](#)
- [WebTV requirements](#)
- [Rename files - WebTV](#)
- [Copy & Paste - WebTV](#)
- [Missing picture icon - WebTV](#)

Universal Registration FAQ

- [About universal registration?](#)
- [Security](#)
- [Seller registration](#)
- [More than one email account](#)
- [Delete auction accounts](#)
- [Re-Submit registration request](#)

14

- [Privacy policy?](#)
- [Track auctions launched outside Auction Manager](#)
- [Need more help](#)

- [Seller registration status](#)

Universal Search FAQ

- [Boolean language](#)

Auction Manager Pro FAQ

- [Download](#)
- [Auction Manager Pro FAQ](#)
- [Create Batch Listings](#)
- [Using the Inventory Management Tools](#)
- [Save Time using the Profile Manager](#)
- [Using the Image Management Tools](#)
- [Managing Account Information](#)



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HOME

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REGISTRATIONMY
ACCOUNT

Universal Search

Advanced Search

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[Main Help Index](#)

- [What is AuctionWatch.com's mission?](#)
- [What are the services offered by AuctionWatch.com?](#)
- [What kind of articles can I find on AuctionWatch.com?](#)
- [How do I become a registered member?](#)
- [What is the Message Center?](#)
- [What is image hosting?](#)
- [What is an ePostcard?](#)
- [What are counters?](#)
- [What if I have a question?](#)
- [What if I forget my user password?](#)
- [How do I change my user ID?](#)

*1

Q What is AuctionWatch.Com's mission?

A To be the online auction community's definitive and unbiased source for services, resources, and information. Whether you're a beginner or someone who makes their living buying and selling online, AuctionWatch.com is designed to meet all your online auction needs.

[Back to the top](#)**Q What are the services offered by AuctionWatch.com?**

A The following services are available for registered members: [Auction Manager](#), [Message Center](#), [Image Hosting](#), [Counters](#), [Appraisals](#), [Universal Registration](#).

[Back to the top](#)**Q What kind of articles can I find on AuctionWatch.com?**

A AuctionWatch.com publishes a variety of editorial content on a daily basis, including [Daily News](#), [Reviews](#), [Exclusive Features](#), [Collector's Beat](#), [Tips & Tactics](#), and [Viewpoint](#) columns.

[Back to the top](#)**Q How do I become a registered member?**

A Visit the [Register First!](#) page. Registering is easy and free. You will be asked to provide some personal information, including your name and email address. You will also need to choose a username, the name by which other users will know you. Email confirmation of your password will be sent. Registering as an AuctionWatch.com member also means that you agree to the site's [terms of service agreement](#).

[Back to the top](#)**Q What is the Message Center?**

A A section of the site where AuctionWatch.com members can post messages and engage in discussion with their fellow online auction users. You must be a registered member to post

16

messages in the [Message Center](#).

[Back to the top](#)

Q What is image hosting?

A A service that enables users to submit and attach images (such as photographs) to their auctions hosted on other auction sites. This service is free for AuctionWatch.com members. For more information, go to our [Image Hosting Service](#) page.

[Back to the top](#)

Q What are counters?

A An electronic counter that can be attached to a user's auction on an auction site, which tracks how many times his or her auction has been viewed. This service is free for AuctionWatch.com members. For more information, go to our [Counters](#) page.

[Back to the top](#)

Q What if I have a question?

A Each service page has a help link in the upper left corner of the service area. That link will lead to a page that contains helpful information for that service. If that doesn't answer your question, try posting your question to the [Image hosting help](#) or [smart counter help](#) area of the Message Center. As a last resort, you can [Contact Us](#) with your question.

[Back to the top](#)

Q What if I forget my user password?

A [Click here](#) for the lost password page. We will send you a reminder email that contains your password.

[Back to the top](#)

Q How do I change my user ID?

A Go to the "[Contact Us](#)" page, and submit an email request.

[Back to the top](#)



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REGISTRATIONMY
ACCOUNT

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[Main Help Index](#)

- [To bid, do I have to be a member of an online auction site?](#)
- [How do I find an item to bid on?](#)
- [How do I bid during an online auction?](#)
- [How much do I bid for an item?](#)
- [How is an auction's bid increment determined?](#)
- [Can I enter my final bid for an item immediately?](#)
- [Can I increase my maximum bid?](#)
- [How do I know my bid was accepted?](#)
- [How do I keep track of multiple auctions I am bidding on?](#)
- [How do I know if I have been outbid?](#)
- [What do I do if I have been outbid?](#)
- [Can I retract a bid I've made?](#)
- [If I win an auction, am I obligated to pay for that item?](#)
- [How should I pay for an item I've won at auction?](#)
- [What is a user feedback rating?](#)
- [When and why should I leave user feedback?](#)

Q To bid, do I have to be a member of an online auction site?

A Yes. Online auction sites require registration to bid on items up for sale (however, you are always free to browse around immediately). To register, you'll need to provide personal information, including your name, address, email, and phone number. Some sites, such as Amazon.com Auctions, require a credit card for registration.

[Back to the top](#)**Q** How do I find an item to bid on?

A There are several ways. You can use an online auction site's search function to locate a particular item or seller. If you're in the mood to browse, you can sift through a site's categories (antiques, books, stamps, computers, etc). Also, sites offer prominently displayed featured auctions. But understand that sellers usually pay for these prime listing locations.

[Back to the top](#)**Q** How do I bid during an online auction?

A After you've read the description thoroughly and contacted the seller about any questions you may have, find the bidding box on the auction page. Fill in the appropriate information (your username, password, bid amount, etc.) and click on the appropriate button to submit your bid. That's it. Most sites will send email confirmation of your bid.

[Back to the top](#)**Q** How much do I bid for an item?

A That depends on what you're willing to spend and what you think an item is worth. But don't think that you have to bid a high amount right off the bat. You can submit a lower bid and indicate the

maximum amount you're willing to pay. Your bid will increase incrementally each time someone outbids you, until you win or you reach your maximum.

[Back to the top](#)

Q How is an auction's bid increment determined?

A While this can vary from site to site, the bid increment is determined as a percentage of the current high bid.

[Back to the top](#)

Q Can I enter my final bid for an item immediately?

A Yes, many sites require you to submit a maximum bid—the highest amount you are willing to pay for the item.

[Back to the top](#)

Q Can I increase my maximum bid?

A Yes. Just submit a new bid with a new maximum.

[Back to the top](#)

Q How do I know my bid was accepted?

A In most cases, you should receive email confirmation of your bid. You can also verify by looking at the auction page and item's bid history.

[Back to the top](#)

Q How do I keep track of multiple auctions I am bidding on?

A The best way is through the site's personal page (My eBay, Amazon.com Auction's Your Auctions, etc.), which, among other things, allow you to monitor your current bidding.

[Back to the top](#)

Q How do I know if I have been outbid?

A In most cases, the online auction site will send you an email informing you that you have been outbid.

[Back to the top](#)

Q What do I do if I have been outbid?

A If you are still interested in the item and are willing to spend more, then submit another bid. If not, well, it just wasn't meant to be.

[Back to the top](#)

Q Can I retract a bid I've made?

A In general, you shouldn't retract bids. Make sure you're willing to purchase an item before you bid on it. There are exceptions. For example, bids can be retracted if the seller has substantially changed the description of the item after you placed your bid, or if you made an obvious mistake when submitting your bid amount (typing in "\$999" instead of "\$9.99").

[Back to the top](#)

Q If I win an auction, am I obligated to pay for that item?

A Yes. Failure to pay for an item is known as deadbeat bidding. Repeat deadbeat bidding can result in expulsion from a site.

[Back to the top](#)

Q How should I pay for an item I've won at auction?

A It depends on which forms of payment the seller accepts. Methods of payment may include: personal check, COD, money order, cashier's check, and credit card. Never pay with cash.

[Back to the top](#)

Q What is a user feedback rating?

A A cumulative rating based on feedback posts the user has received from other buyers and sellers.

[Back to the top](#)

Q When and why should I leave user feedback?

A It's always a good idea to leave user feedback. Obviously, when you have had a bad experience with a seller you'll want to pass along that information to your fellow users. However, it's important to leave positive feedback for sellers as well. User feedback is a vital part of any online auction site.

[Back to the top](#)



[about us](#) | [jobs](#) | [advertising](#) | [contact us](#) | [announcements](#) | [site map](#) | [site search](#)



AuctionWatch.com

HOME

AUCTION
MANAGER

UNIVERSAL
SEARCH

APPRAISALS
& GALLERY

MESSAGE
CENTER

NEWS &
INFORMATION

UNIVERSAL
REGISTRATION

MY
ACCOUNT

[Log In](#) | [Join Now](#) | [Webmail](#) | [Help](#)

Universal Search

[Advanced Search](#)

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FAQ | sellers

[Main Help Index](#)

- [Does it cost money to put an item up for auction?](#)
- [Do online auction sites earn a commission from the sale of my item?](#)
- [How do I list an item on an auction site?](#)
- [What should I include in my item's description?](#)
- [Is it important to include a picture of my item with my auction?](#)
- [Can I sell the same item on more than one site?](#)
- [How do I set the opening price for my item?](#)
- [How do I determine the duration of my auction?](#)
- [How do I determine which auction format to use?](#)
- [When should I use a reserve auction?](#)
- [When should I use a Dutch auction?](#)
- [What is the most effective way to contact the high bidder of my auction?](#)
- [What happens if my auction does not receive any bids?](#)
- [What happens if the reserve price for my auction is not met?](#)
- [Are there restrictions regarding items you can't sell on auction sites?](#)

Q Does it cost money to put an item up for auction?

A For the most part, yes. Most online auction sites charge listing fees (Yahoo Auctions and Excite Auctions are notable exceptions). However, some offer periodic free listings to entice new users. Typically, listing fees (also known as insertion fees) are based on a minimal percentage of an item's initial listing price.

[Back to the top](#)

Q Do online auction sites earn a commission from the sale of my item?

A Most auction sites charge sales commission fees (also known as final value fees), which are more expensive than listing fees. Sales commission fees are calculated as a percentage of the item's final sale price at the close of the auction.

[Back to the top](#)

Q How do I list an item on an auction service?

A First, you must register with an online auction site. Most sites provide tutorials or information on how to list items for sale. You'll need to include a written description of the item, a sales policy, and, if possible, a photograph.

[Back to the top](#)

Q What should I include in my item's description?

A First, provide a general overview of the item and its qualities; then go into the specifics, including the item's materials, measurements, color, special markings, serial number, and flaws, if any. Explain what forms of payment you accept, if you wait for checks to clear before shipping, when you expect payment, how much you charge for shipping and handling, if you require insurance on

2

shipment, if you accept escrow, and if you offer money-back guarantees or refunds.

[Back to the top](#)

Q Is it important to include a picture of my item with my auction?

A It certainly helps. Having a photograph is a big plus. It spruces up your listing and allows the buyer to "window-shop" and get a better grasp of the item's condition. For more information on how this works, check out AuctionWatch.com's [image hosting service](#) page.

[Back to the top](#)

Q Can I sell the same item on more than one site?

A No. If you have multiples of an item, you can sell your merchandise on more than one site. But if you're selling a single item, you can have only one listing.

[Back to the top](#)

Q How do I set the opening price for my item?

A Typically, the opening price is ten percent of the item's market value. Some sellers set the opening bid near or at the market value to ensure they recoup their investment with one bid. This, however, can discourage bidders.

[Back to the top](#)

Q How do I determine the duration of my auction?

A It depends on the auction site. Different sites allow users to choose different auction lengths. Most online auctions last anywhere from three to nine days; however, depending on the site, they can last from a day to several weeks.

[Back to the top](#)

Q How do I determine which auction format to use?

A There are several auction formats, each with their own accompanying rules and regulations. Settling on a format depends on how much merchandise you want to sell, and how much you want to control pricing and bidding. The most common auction format is a straight auction, in which there is only one item up for sale, and there is no reserve price (the minimum price a seller will accept for an item). Sellers set the opening bid and must respect the final price at the end of the auction.

[Back to the top](#)

Q When should I use a reserve auction?

A Use a reserve auction if you want to set the lowest price at which you're willing to sell an item. This amount is not revealed to buyers, although it will be noted as met if it is surpassed. Be aware that some users avoid reserve auctions, preferring the openness of a straight auction.

[Back to the top](#)

Q When should I use a Dutch auction?

A Use a Dutch auction when you have multiple quantities of an identical item. With multiple items up for sale, multiple bidders can win. Also, one bidder can try to buy more than one item. All winning bidders pay the lowest successful bid amount. This is different from a Yankee auction, in which each winning bidder pays his or her exact high bid.

[Back to the top](#)

Q What is the most effective way to contact the high bidder of my auction?

A Email. After the auction closes, you should contact the high bidder and arrange for payment and delivery of the merchandise.

[Back to the top](#)

Q What happens if my auction does not receive any bids?

A The auction will close without a sale. Most auction sites offer an automatic relisting service, which is often free the first time.

[Back to the top](#)

Q What happens if the reserve price for my auction isn't met?

A It's up to you. You are not obligated to sell the item to the highest bidder, but it's not uncommon for sellers to contact bidders and try to work out a deal. Some services charge fees if your reserve price is not met.

[Back to the top](#)

Q Are there restrictions regarding items you can't sell on auction sites?

A Sometimes, yes. Some auction sites impose item restrictions (it varies from site to site). This information is usually listed in a site's terms of service agreement. Item restrictions can include firearms, pornography, live animals, and embargoed items (such as Cuban cigars).

[Back to the top](#)



[about us](#) | [jobs](#) | [advertising](#) | [contact us](#) | [announcements](#) | [site map](#) | [site search](#)

23



AuctionWatch.com

[Control Panel](#) | [Create Auction](#) | [Inventory](#) | [Customers](#) | [Track Auction](#) | [Image Hosting](#) | [Counters](#) | [Auction Manager Pro](#)
[Log In](#) | [Join Now](#) | [Webmail](#) | [Help](#)

Universal Search

[Advanced Search](#)

Auction Toolkit

[Shipping Tools](#)
[Payment Services](#)
[Insurance Options](#)
[Getting Started](#)
[FAQ](#)

ADVERTISEMENT

FAQ | auction manager pro

[Main Help Index](#)

- [What is Auction Manager Pro?](#)
- [What's new in Auction Manager Pro 2.0?](#)
- [What is a listing?](#)
- [What is a batch?](#)
- [How do I create a batch?](#)
- [How many batches can I create?](#)
- [How do I create a listing?](#)
- [What's the easiest way to put an image in my item?](#)
- [How do I upload a batch?](#)
- [How is an inventory different from a batch?](#)
- [What is a profile?](#)
- [How do I create a profile?](#)
- [How do I see the inventory items that use a particular profile?](#)
- [I applied a profile to a batch listing and then changed some values in the listing. Why don't the changes show up in the profile?](#)
- [When can I use a profile?](#)
- [In an inventory item, how do I override the category set in the profile?](#)
- [How do I upgrade from the Beta Version to Version 1.0?](#)

Q What is Auction Manager Pro?

A Auction Manager Pro is an offline tool that helps you create listings and submit them. With this tool, you can also create and manage an inventory.

[Back to the top](#)

Q What's new in Auction Manager Pro 2.0?

- A**
- **Profiles** -- Profiles are a way of storing standard information. If you enter the same information over and over again, you can save time and effort by storing that information in a profile. You can then apply that profile to your inventory item or batch listing and it will fill-in the information. You can have as many profiles as you like. [More on How-To Use Profiles](#)
 - **Inventory Management** -- Auction Manager Pro has expanded the inventory management tools. You can store more detailed information about your inventory items and organize your into folders.
 - **Shipping Tools** -- Auction Manager Pro offers postage and shipping insurance services through Stamps.com and U-PIC.com. In the Auction Manager Pro screen, click on **Tools Menu** for more information.
 - **Other Improvements** - You will notice many changes to Auction Manager Pro including a more clearly organized batch listing screen and the ability to set global preferences offline.

[Back to the top](#)

Q What is a listing?

[Back to the top](#)**Q What is a batch?**

A A batch is a group of listings that you create offline. When you're done with your batch, you can submit them all at the same time. The listings in a batch do not need to be for the same auction site. For example, you can create a batch with 4 listings for eBay, 2 listings for Amazon and 3 for Yahoo. When you submit the batch, the listings will each go to the correct sites.

[Back to the top](#)**Q How do I create a batch?**

A When you start Auction Manager Pro, a new batch window appears. To create another batch, choose New Batch from the File menu.

[Back to the top](#)**Q How many batches can I create?**

A You can create as many batches as you like. If you choose to do so, it is a good idea to give each batch a name that indicates the date you created it.

[Back to the top](#)**Q How do I create a listing?**

A In the Batch window, click the New Listing button. You will be asked to choose the site for this listing. Once you do that, a form appears for the listing. You will notice that some of the information is different depending on the site you choose. If you have specified listing preferences on AuctionWatch.com, you will see that these preferences have been filled in as default values for fields in the listing.

[Back to the top](#)**Q What's the easiest way to put an image in my item?**

A You can drag and drop images from your desktop into your item.

[Back to the top](#)**Q How do I upload a batch?**

A Once you've created the batch, save it by clicking the Save button on the Toolbar, or by choosing File > Save. Then click the Upload button.

[Back to the top](#)**Q How is an inventory different from a batch?**

A An inventory is a list of things you have in stock. Inventory items are not submitted for auction until you move them into a batch and upload that batch.

[Back to the top](#)**Q What is a profile?**

A A profile is a way of storing standard information. For example, you might have a profile that specifies buyers pay actual shipping, you'll ship internationally, you accept money orders/cashier's checks, personal checks, your location and you want to include this items in the gallery.

You can apply this profile when you create a batch listing or inventory item and the profile will fill in all that information. You can also attach profiles to inventory items. Profiles will save you from having to fill in the same information repeatedly.

[Back to the top](#)

Q How do I create a profile?

A From the Auction Manager Pro screen, choose **Tools > Profile Manager**. Click New Profile and fill in your standard information. There are no required fields for a profile, so you can enter in as much or as little information as you like. Save the profile with a descriptive name. You can create as many profiles as you like.

[Back to the top](#)

Q How do I see the inventory items that use a particular profile?

A In the profile manager, choose a profile and click View Items. This will show you all the items that use that profile. You can also open the Inventory List and sort the Profile column by clicking on the gray Profile Header.

[Back to the top](#)

Q I applied a profile to a batch listing and then changed some values in the listing. Why don't the changes show up in the profile?

A Changes you make in a batch listing only apply to that batch listing. To change your profile, go to **Tools > Profile Manager**, choose the profile to change and click edit. Make your changes and save the profile. Changes you make here will change the profile. However, changing the profile after you have applied it to a batch listing will not change any values in the batch listing.

[Back to the top](#)

Q When can I use a profile?

A You can use a profile when you create a batch listing or when you create an inventory item. However, profiles work slightly differently with batch listings and inventory items.

For a batch listing, you apply the profile to that listing by choosing the profile from the drop down menu in the upper right and clicking Apply. This will fill in the batch listing fields with information from the profile. You can edit those fields and the changes will apply only to the listing you edited.

For an inventory item, you attach a profile with that item by going to the second tab and choosing the profile. No fields are filled in at this point. Fields are filled in only when you place that inventory item in a batch.

[Back to the top](#)

Q In an inventory item, how do I override the category set in the profile?

A You may have specified a category in the profile you are using with your inventory item. On the second tab of the inventory item window, you can override that category for this particular item. For example, if you auction many CDs, you may have a profile that sets the category for eBay as follows: Books, Music, Movies > Music > CDs. You can override that for an inventory item to specify the type of music on the CD, such as Country or Rock:Classic. If you know the number of the sub-category, you can specify that instead of going through all the menus.

To override the category, check the box next to the site and select the new category. You cannot select a category until you have checked the box for that site.

[Back to the top](#)

Q How do I upgrade from the Beta Version to Version 1.0?

A If you are still using the Beta Version of Auction Manager Pro, you should now upgrade to Version 1.0. We have resolved many of the common "bugs" with the application. First, you should uninstall the Beta Version using the Windows Add/Remove Programs tool which is located in your Windows Control Panel. This Add/Remove Programs tool will NOT delete the images you have downloaded or the batches you have created. Once you have removed the Beta Version, you should then go to <http://web.archive.org/web/20000815053917/http://www.auctionwatch.com/my/client/> and click the "download" link. Follow the same installation process that you used to download the Beta Version. Once completed, you can verify you are running Version 1.0 by opening the "Help" > "About Auction Manager Pro" window from the main menu. In the lower right hand corner of the "About Auction Manager Pro" screen, you should see "Version 1.0 (Build 256)."

[Back to the top](#)



[about us](#) | [jobs](#) | [advertising](#) | [contact us](#) | [announcements](#) | [site map](#) | [site search](#)

27



AuctionWatch.com

HOME

AUCTION
MANAGERUNIVERSAL
SEARCHAPPRAISALS
& GALLERYMESSAGE
CENTERNEWS &
INFORMATIONUNIVERSAL
REGISTRATIONMY
ACCOUNT

Control Panel | Create Auction | Inventory | Customers | Track Auction | Image Hosting | Counters | Auctions

Log In | Join Now | Webmail | Help

Universal Search

 GO
[Advanced Search](#)

Auction Toolkit

Shipping Tools
Payment Services
Insurance Options

Getting Started

FAQ

CHANGING THE SYSTEM[Main Help](#)

- I'm used to the old AuctionWatch.com image hosting and counter services. How is different?
- [How do I launch a new auction?](#)
- [What can I use Track Auction feature for?](#)
- [Where do I find the auction ID number?](#)
- [What can I use the Shipping Tools for?](#)
- [Are the auction IDs and passwords stored at AuctionWatch.com safe?](#)
- [How much does it cost?](#)
- [Which auction sites does Auction Manager support?](#)
- [Does AuctionWatch.com have a privacy policy?](#)
- [Can I track auctions that I did not launch through Auction Manager?](#)
- [What if I have other questions or need more help?](#)

Q I'm used to the old AuctionWatch.com image hosting and counter services. How is this different?

A The Auction Manager system offers all of the features of the old system and more.

You can efficiently list an auction complete with images, smart counters, and stylist templates and efficiently keep track of your auctions from one location. You also have the capability to schedule your auction listing strategically, so it will automatically launch and end during peak buyer traffic.

To give you time to get used to the change, we are keeping links to the old image hosting and counter services for a limited time. However, we encourage you to start using the new system to take advantage of its many benefits.

[Back to top](#)

Q How do I launch a new auction?

A Go to Create Auction and enter the core auction data. You will then go to a page that allows you to build your listing and select a destination auction site. Once your auction ad is created, you can choose to launch it instantly, schedule a future launch time, or save it to your Pending Auctions list and schedule the launch at a later date. The current auction site listing choices are Amazon, eBay, and Yahoo. More sites will be added in the near future. Once your auction is launched, you can efficiently track its progress in your Manage Auctions view. All auctions launched by you through Auction Manager will be highlighted in blue. (note-An Amazon Auction still appears in gray, even if it was launched through Auction Manager. We will have this fixed shortly).

[Back to top](#)

Q What can I use Track Auction feature for?

The Track Auction feature allows you to import existing auctions into the control panel.

28

A You no longer have to constantly surf back and forth between multiple auctions and multiple auction sites to find the best deal. If you are intent on purchasing a particular item, simply use the AuctionWatch Universal Search feature to find auctions matching what you want. Then import those auctions using the Track Auction feature.

You can import auction data either by seller ID or auction ID number. We currently support importing from Amazon, eBay, and Yahoo. More sites will be added in the future.

[Back to top](#)

Q Where do I find the auction ID number?

A The tracking number is visible in the auction listing, but is in a different place on each site. Here are some coordinates to help you find the number for the auctions you wish to track.

Amazon Auctions: Lower left corner of the auction listing, near the bottom of the page

eBay: In the center of the listing, just below the auction title

Yahoo Auctions: Last item under "Auction Info", near the bottom of the page

[Back to top](#)

Q What can I use the Shipping Tools for?

A AuctionWatch.com and iShip have forged a partnership to make your auction experience even more efficient.

- iShip Sell It lets you inform your bidders of shipping and handling charges due on the auction. You simply insert a shipping calculator link into your auction.
- iShip Price It allows you to compare shipping options across the major carriers so you can choose the best service for your needs.
- iShip Track It lets you track a package on all of the major carriers every step of the way to its final delivery.

[Back to top](#)

Q Are the auction IDs and passwords stored at AuctionWatch.com safe?

A The My Settings page allows you to store auction specific information and other preferences that will streamline the auction listing process. You are able to save your auction user id's and passwords (click here for questions on security), along with preferred smart counter and template styles. This allows you to create your auction listings in a snap and schedule automatic launch for a future time.

[Back to top](#)

Q How much does it cost?

A Nothing. We provide this service to our registered users for free.

[Back to top](#)

Q Which auction sites does Auction Manager support?

A We currently support Amazon, eBay, and Yahoo, with many more to be added soon.

[Back to top](#)

Q Does AuctionWatch.com have a privacy policy?

A Yes. For more information on the AuctionWatch.com privacy policy, please visit <http://web.archive.org/web/20000815053500/http://www.auctionwatch.com/privacy>.

[Back to top](#)

Q Can I track auctions that I did not launch through Auction Manager?

A Yes. To do this, use the Track Auction feature and enter your seller ID for the auction site you wish to import auction from. You will then be able to import all auctions for that ID, or a subset, depending on what you prefer. Be aware that these auctions will not be highlighted in blue, as would an auction that was launched by you through the Auction Manager Create Auction tool.

[Back to top](#)

Q What if I have other questions or need more help?

A Email our responsive customer support staff at support@auctionwatch.com.

[Back to top](#)



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